



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 148.

An Act for extending the Horse Towing Path on the Banks of the River *Severn* from *Worcester* Bridge to a certain Place below the City of *Gloucester*, called the *Lower Parting*, situate at the Corner of *Portham Mead* in the County of *Gloucester*.

[10th June 1811.]

WHEREAS a Towing Path or Road has been made for hauling and drawing of Vessels with Horses along the Banks of the River *Severn*, from *Salop* to or near *Coalbrook Dale* in the County of *Salop*, and from *Coalbrook Dale* to *Blydley* Bridge, in the County of *Worcester*, and from the said Bridge to *Worcester* Bridge in or near the City of *Worcester*, by which the Navigation of the said River has been greatly benefited, and the Carriage of Goods, Wares, and Merchandizes thereon greatly facilitated and rendered more safe and certain: And whereas Boats, Barges, and other Vessels navigating on the said River, between *Worcester* aforesaid, and a certain Place below the City of *Gloucester* called the *Lower Parting*, at the Corner of *Portham Mead*, in the County of *Gloucester*, are hauled or drawn by Men only, which is attended with great Expence, Risk, Uncertainty, and Delay; and if Power were given to haul or draw the same with Horses or other Beasts, and to extend and lengthen the Horse Towing Path from its present Termination, at or near *Worcester* Bridge aforesaid to the *Lower Parting* aforesaid, the Navigation of the said River would be greatly improved and facilitated, rendered more expeditious, certain, and convenient: And whereas the several Persons hereinafter named are willing and desirous, at their own proper Costs and Charges, to make and maintain such Extension of Road or Towing Path from *Worcester* Bridge aforesaid,

[*Loc. & Per.*]

36 N

said,

Company.

faid, to the faid Place called the *Lower Parting* aforefaid: but the fame cannot be effectually carried into Execution 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 moft Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this prefent Parliament affembled, and by the Authority of the fame, That the Right Honourable *George Earl of Coventry*, the Right Honourable *George Capel-Coningsby Earl of Effex*, the Right Honourable Lord Vifcount *Sydney*, the Right Honourable *John Lord Somers*, the Right Honourable *William Lord Beauchamp*, the Right Reverend *Folliott Herbert Walker Cornwall Lord Bishop of Worcefter*, the Right Reverend *George Ifaac Huntingford Lord Bishop of Gloucefter*, the Reverend *William Vincent Dean of Weftminfter*, the Reverend *Arthur Onflow Dean of Worcefter*, the Honourable *William Beauchamp Lygon*, the Honourable *Mary Yorke Widow*, *Thomas Dowdefwell*, *Anthony Lechmere*, *Edmund Hungerford Lechmere*, *William Hayward Winftone*, *Edmund Lechmere Charlton*, *Thomas Hornyold*, *Thomas Farley*, *Jonathan Worthington*, *Martin Wall*, *Jeremiah Hawkins*, *Samuel Wall*, *Edward Crane*, *Thomas Hill*, *John Dowdefwell*, *William Attwood Oliver*, the Reverend *Robert Lucas Doctor in Divinity*, the Reverend *Joseph Martin*, the Reverend *Joseph Sharpland*, the Reverend *John Francis Seymour Fleming Saint John*, the Reverend *William Miller*, *Joseph Lingham*, *John Dillon*, *Thomas Hodges*, *Robert Meeles*, *Richard Crump*, *Samuel Barnett*, *William Payne*, *John Yates junior*, *Samuel Jones*, *Edmund Tyler*, *William Hopkins*, *John Reynolds*, *George Belsham*, *John Duncan*, *Archibald Duncan*, *Richard Jukes*, *William Thorne*, *William Devey*, *John Page*, *John Soule*, *William Blew*, *Samuel Beale*, *John Clifton*, *Edward Lloyd*, *Charles Kilpin*, *John Dunn*, *Martin Lucas*, *John Temple*, *Thomas Blayney*, *Jonathan Worthington junior*, *John Barnett*, and *Mary Shapley Wrenford Widow*, and their feveral and refpective Succellors, Executors Administrators, or Affigns, are and fhall be united into a Company, for the better carrying on, extending, improving, completing and maintaining a Road, Passage or Towing Path for hauling or drawing with Horses or other Beasts any Boats, Barges or other Veffels navigating on the faid River *Severn* between *Worcefter Bridge* and the *Lower Parting* aforefaid, and fhall for that Purpofe be one Body Politic and Corporate, by the Name of *The Company of Proprietors of the Gloucefter and Worcefter Horfe Towing Path*, and by that Name fhall have perpetual Succellion, and fhall have a Common Seal, and by that Name fhall and may fue and be sued; and alfo fhall and may have Power and Authority to purchafe Lands, Tenements or other Hereditaments to them or their Succellors and Affigns, for the Ufe of the faid Towing Path, and the Works hereby authorized to be made, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain or any of them; and alfo to fell all or any of the Lands or Tenements fo purchafed for the Ufe of the faid Towing Path and Works; and any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, may give, grant, bargain, fell, convey, or fet or let at annual or other Rent to the faid Company of Proprietors any Lands, Tenements or Hereditaments, for the Ufe and Benefit of the faid Undertaking, without Licence or Alienation or Mortmain.

Three Parts
to be made
and certified
by the Speak-

II. And be it enacted and declared, That there fhall be Three Parts made of the Map or Plan of the Towing Path by this Act authorized to be made, and alfo of a Book of Reference to the faid Map or Plan, which

which shall be certified by the Right Honourable the Speaker of the House of Commons, and severally kept by the Clerks of the Peace for the said Counties of *Worcester* and *Gloucester*, and the Clerk to the said Company of Proprietors for the Time being, to which all Persons shall have free Liberty to resort, and to make Extracts and Copies thereof as Occasion shall require; and the said Maps or Plans and Books of Reference so certified, or true Copies thereof, shall be deemed good Evidence in all Courts of Law or elsewhere; and the Clerk for the Time being to the said Company, upon Five Days' Notice to him given for that Purpose, shall from Time to Time produce the said Map or Plan and Book of Reference in his Custody, before any Justice or Justices or any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence.

er of the
House of
Commons,

and allowed
to be good
Evidence.

III. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and required by themselves, their Deputies, Agents, Servants, Officers, Workmen or Assistants, at their own proper Costs and Charges, to set out and make, and from Time to Time and at all Times hereafter to repair, amend, improve and keep in Repair convenient Towing Paths, or Roads and Ways for drawing or hauling with Horses or other Beasts any Boats, Barges or other Vessels using the Navigation of the said River *Severn* between the Termination of the present Horse Towing Path at or near *Worcester* Bridge aforesaid, and the said Place called the *Lower Parting* in the said County of *Gloucester*, and also to dig, take and carry away any Gravel, Stone or other Materials, proper for making and keeping in Repair the Towing Path and Roads hereby authorized to be made, in and from any Part or Parts of the said River, doing thereby no Injury or Prejudice to any Ford or Fording Place now used for the Passage of Horses or Carriages through the said River, or out of or from any Waste or Common within any Parish, Hamlet or Place in the said Counties of *Worcester* and *Gloucester*, in, over, through or along which the said Towing Path hereby authorized to be made shall pass, and 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 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 also to remove and take away all Gates, Rails, Stiles, Trees, Hedges, Bushes, Willows, Impediments or other Obstructions upon any Lands or Grounds adjoining to the Banks of the River within the Limits aforesaid, which may anywise hinder or obstruct the hauling or drawing of Vessels by Horses or other Beasts, as the said Company shall judge necessary for effecting the Purposes of this Act; and to build, erect and set up such new and other Gates, Rails, Wickets and Fences in or as near as conveniently may be to the said Places from whence the old ones shall be taken away or removed, to be opened on all Occasions for the free Passage of Horses and other Beasts hauling or drawing Vessels as aforesaid, or returning along the said Roads (but subject nevertheless to the Restrictions hereinafter mentioned); and also to erect and build Toll-houses, Stables, Windlasses, Capstans and other Conveniences for the Use and Improvement of the said Towing Path and Concern; and also to erect and build any Bridge or Bidges, Culvert or Culverts across any River or Rivers, Brook or Brooks, Ditch or Ditches, or other Places, for

The Manner
in which the
Improvements
are to
be made.

the

the better setting out, making and improving the said Towing Path or Road; but so as not to obstruct the Navigation of any such River, Brook or Ditch, or to stop or pound the Water of any such River, Brook or Ditch to the Prejudice of any of the adjoining Lands; and also to repair, alter and amend the said Gates, Rails, Stiles, Wickets, Bridges and Culverts as often as shall be needful and convenient; and also to make and set out along the Banks of the said River such Towing Path or Roads as 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 any Timber, Brick, Lime, Gravel or other Materials for the building, erecting and repairing such Toll-houses, Stables, Windlasses, Capstans and other Conveniences, Gates, Rails, Stiles, Wickets, and Bridges, and for maintaining and keeping in Repair such Towing Path and Road as aforesaid, and to do and perform all other Works, Matters and Things which the said Company of Proprietors shall judge necessary for carrying on, completing and maintaining the said Towing Path or Road; and for executing all other the Purposes of this Act, they the said Company of Proprietors, their Agents and Workmen, doing as little Damage as may be on the Occasion, and making such Recompence and Satisfaction as is hereinafter mentioned, to the Owners or Occupiers of Lands, Tenements, Meadows or Grounds respectively, for all Trees, Willows or Bushes to be cut down by virtue of this Act; and also making Satisfaction and paying in Manner hereinafter mentioned to the Owners and Occupiers of and Persons interested in any Lands, Tenements, Meadow Grounds or Hereditaments respectively, as shall be taken, used or prejudiced, and for all Damages to be by them sustained in or about the setting out and making, using and repairing such Towing Path or Road as aforesaid, or in or about the Exercise of any of the Powers or Authorities hereby given to the said Company of Proprietors.

Towing Path
to be made
pursuant to
the Plan.

IV. And be it further enacted, That the said Company of Proprietors, in making the said Towing Path, shall not deviate from the Course or Direction of the said Map or Plan, and set forth in the Book of Reference, by making such Towing Path on the opposite Side of the River to that whereon the same is set out and described on such Plan or Map, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, to whom such Estates, Lands or Grounds do or shall respectively belong; and that the Line thereof through, over or across any of the Lands belonging to the Honourable *Mary Yorke*, in the Parish of *Forthampton* in the County of *Gloucester*, shall be formed in such Manner and Way as she or her Agent shall approve, and that no Timber or other Tree shall be cut down on the Lands belonging to the said *Mary Yorke*, without the Consent of her or her Agent in Writing first had and obtained.

Company
may make
the Towing
Path over
Land of Per-
sons not
named in
Book of Refe-
rence.

V. Provided always, and be it further enacted and declared, That the said Company of Proprietors shall and may make the said intended Towing Path or Road into, through, across or over the several Lands or Grounds of any Person or Persons who is or are Owner or Owners of Land over which the same is set out and described as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to and be certified by any Two or

more Justices of the Peace, that such Name or Names shall have been omitted by Mistake.

VI. Provided also, and be it further enacted, That the Lands or Grounds to be taken or used for such Towing Path or Road shall not exceed Six Feet in the straight Part thereof, and in the crooked Parts thereof Nine Feet; and the said Company of Proprietors shall cause such Towing Path or Road to be measured and marked by Mile Posts as soon as conveniently may be after the passing of this Act, and, within the Space of Three Years from the passing of this Act, finish and complete the same.

Breadth of Hauling Path.

VII. And be it further enacted, That the said Company of Proprietors shall and may, and they are hereby required from Time to Time to repair and keep up the Banks of the said River which may be in anywise injured or damaged by means of making the said Towing Path or any of the Works hereby authorized to be made.

Company to keep up the Banks of the River damaged by means of the Towing Path.

VIII. Provided also, and be it further enacted, That nothing in this Act contained shall be construed to hinder the Occupiers of Lands on the Banks of the said River respectively, from fencing out the said Towing Path or Road (at any Time when made) from the other Parts of the said Lands in such Places as they shall think proper, provided such Fences are not made on the Side of the Road next to the said River or so as to obstruct or hinder the free Passage along the said Towing Path or Road.

Power of Occupiers of Land to fence cut Towing Path.

IX. 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 same as a Footway, Bridleway and Driftway for their Cattle to, from or through their respective Lands, and to and from their Watering Places and Landing Places at the said River, and all Owners of Vessels, their Clerks and Servants, going to and from their said Vessels, but no other Person shall be authorized to use the same except for the Purpose of drawing Vessels on the said River, and also except Foot Passengers; and in such Instances where the same or any Part thereof hath been of Right used as a common or private Way, and also except for the making and amending the said Road, and otherwise carrying this Act into Execution, without the Consent of the said Company of Proprietors.

Owners of Lands may use the Towing Path as a Driftway.

X. And be it further enacted, That in all and every such Places upon the said Towing Path hereinbefore directed to be made, where it shall be necessary to make any Gates for the Passage of Horses drawing or hauling any Boat, Barge or other Vessel upon the said River, or through the Fences crossing such Towing Path, the said Company of Proprietors, their Agents, Surveyors, Servants, or Workmen, are hereby required to make either Gates sufficient for the Purposes aforesaid, as the respective Owner or Owners, Occupier or Occupiers of such Lands upon which the same are intended to be made as aforesaid, shall request, such Request being made in Writing to the said Company, their Clerk, Treasurer or Surveyor, within Seven Days after the said Towing Path shall be set out as aforesaid; and shall also make, erect and set up such Bridges, Tunnels or Passages in, over or under the Ditches, Water-courses, and Fences in the said Towing Path as shall be necessary and convenient; and in case the said

Gates to be made and kept in Repair.

Company, their Agents, Surveyors or Workmen, shall neglect or refuse to make such Gates as shall be required as aforesaid, or to make, erect, and set up such Bridges, Tunnels and Passages as aforesaid, then it shall be lawful for the Owner or Owners, Occupier or Occupiers of the said Lands or Grounds, to make such Gates upon such Towing Paths, and such Bridges, Tunnels and Passages as aforesaid as shall be necessary, and from Time to Time as the same shall be broken down or shall be out of Repair, to erect or set up new or other Gates, Bridges, Tunnels or Passages, or to do any necessary Repairs for the Preservation thereof; and such Owner and Owners, Occupier or Occupiers as aforesaid, shall be paid by the Treasurer to the said Company immediately on Demand all his, her and their reasonable Costs and Charges in that respect.

and paid for
by the Com-
pany.

In case of Ne-
glect or Refu-
sal, how the
Expences
shall be reco-
vered.

XI. Provided always, and be it further enacted, That in case the said Treasurer shall not be satisfied with the Reasonableness of such Costs and Charges, or shall neglect or refuse Payment thereof for the Space of Fourteen Days, then it shall be lawful for such Owner or Owners, Occupier or Occupiers, to complain to any Justice of the Peace in and for the said Counties of *Worcester* or *Gloucester* in which the Land of such Owner or Owners, Occupier or Occupiers shall be situated; and such Justice is hereby authorized and empowered to enquire into the Cause of such Complaint, and by Examination of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby authorized to administer) and other proper Evidence, to determine the same, and to award Costs at the Discretion of such Justice, and the Money, (if any, to be adjudged by such Justice to be paid by such Owner or Owners, Occupier or Occupiers) shall be paid by such Treasurer; and in case the same shall not be paid by such Treasurer within Fourteen Days of the Demand thereof made, then the same shall and may be levied by Distress and Sale of the Goods and Chattels of such Treasurer, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby authorized and required to issue), and shall, when levied, be paid to such Owner or Owners, Occupier or Occupiers entitled thereto; and all Monies which shall be paid by such Treasurer for and on account of such Costs and Charges as aforesaid, shall be allowed by the said Company of Proprietors in the Accounts of the said Treasurer as so much Money paid by him for and on Behalf of the said Company.

Lands may
be entered to
take Surveys,
&c.

XII. And be it further enacted, That it shall be lawful for the Agents, Servants and Workmen of the said Company of Proprietors, from Time to Time to enter into and upon the Lands and Grounds of the several Persons, Body or Bodies Politic, Corporate or Collegiate, through which the said Road or Towing Path is intended to be made, in order to survey and take a Level of the same, and to ascertain and set out such Parts thereof as they shall think necessary and proper to be taken for the Use of the said Road, and for the Convenience and Improvement of the said Undertaking, such Agents, Servants and Workmen, or the said Company of Proprietors, making Satisfaction for the Damages they shall do thereby to the Occupiers of such Lands or Grounds for the Time being, in case the same exceeds the Sum of Five Shillings.

Saving the
Right of Soil
of Hauling

XIII. Provided always, and be it further enacted, That nothing here-
in contained shall give any Right or Title to the said Company in the Soil
or

or Herbage of the Lands or Grounds hereinbefore directed to be set out for Roads or Towing Paths as aforesaid; nor shall any Thing in this Act contained prevent any Land Owner or Occupier of Ground situated near the said River *Severn*, from erecting any House, Quay, Landing Place, Wharf, or other Building, which shall not obstruct the said Towing Path or from exercising the same Rights and Privileges of landing Goods or other Things on the Banks of the said River, in their own Lands as heretofore used, or which they had a Power of exercising before the passing of this Act.

Path to Land Owners, Land Owners may erect Buildings so as not to obstruct the Hauling Path.

XIV. Provided also, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use or injure for the Purposes of this Act any Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, without the Consent of the Owners and Occupiers thereof.

Houses &c. not to be injured.

XV. And whereas it may be necessary for the said Company of Proprietors to purchase Lands, Tenements or Hereditaments adjoining or near to the said River, as well for the Purpose of widening, altering and making the said Towing Path or Road and other Improvements hereby authorized to be made, as also for the Purpose of erecting or building thereupon some House or Houses or other Conveniencies for the Collector or Collectors of the Tolls to be taken by virtue of this Act as hereinafter is mentioned; Be it therefore further enacted, That it shall be lawful for all Bodies Politic, or Corporate or Collegiate, Corporations Aggregate or Sole, Husbonds, Guardians, Trustees and Feoffees in Trust for Charities and other Purposes, Committees, Executors and Administrators not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Infants, Issue unborn, Lunatics, Ideots, Femes Covert, or other Person or Persons, and to and for all Femes Covert, who are or shall be seized, possessed of, or interested in their own Right, and to and for all other Persons whomsoever, who are or shall be seized, possessed of, or entitled to any Lands, Grounds, Tenements, or Hereditaments, which may be proper and convenient for the Purposes aforesaid, to contract with the said Company of Proprietors for the Sale of, and to sell and convey to the said Company for the Use of the said Undertaking, all or any Part of such Lands, Grounds, Tenements, or Hereditaments, either in consideration of a Sum of Money to be paid in Gross, or of an annual Rent or Payment to be charged and secured as hereinafter mentioned, as shall be agreed upon between such Person or Persons, Bodies Politic or Corporate, and the said Company of Proprietors; and that all such Contracts, Agreements, Sales, Conveyances and Assurances shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage or Custom to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate or Collegiate, and all Persons whomsoever, so conveying as aforesaid, are hereby indemnified for what he, she or they, or any of them, shall respectively do by virtue or in pursuance of this Act; and that all such Contracts, Agreements, Sales, Conveyances and Assurances, so to be made as aforesaid, and to which the said Companies shall be Parties, shall be made at the Expence of the said Company of Proprietors, and shall

Bodies Politic empowered to sell Land, &c.

shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit, *videlicet* :

I of in consideration
 of the Sum of to me paid [or, in consider-
 ation of the annual Rent of to me
 to be hereinafter yielded and paid by yearly or half-yearly Payments, as
 may be agreed upon] by the Company of Proprietors of the Gloucester
 and Worcester Horse Towing Path, do hereby grant and release to
 the said Company, all [describing the Premises to be conveyed] and all my
 Right, Title, and Interest to and in the same and every Part thereof, to
 hold to the said Company and their Successors for ever, by virtue and
 according to the true Intent and meaning of an Act, passed in the Fifty-
 first Year of the Reign of King George the Third, intituled [here set forth
 the Title of this Act]. In Witness whereof I have hereunto set my Hand
 and Seal, the Day of in the
 Year of our Lord

And which said Conveyances shall be inrolled with the Clerk of the Peace for the said Counties of Worcester or Gloucester, in which the said Lands, Grounds, Tenements or Hereditaments to be sold as aforesaid shall be situate, and the same and a true Copy or Copies thereof shall be allowed to be good Evidence in all Courts whatsoever, for which Inrolment and for every Copy thereof, shall be taken the Sum of Eightpence, and no more, for every One hundred Words, and so in proportion for any greater or less Number of Words.

Company
 empowered
 to resell Land
 not wanting.

XVI. And whereas, in pursuance of the Provisions of this Act, or to avoid Disputes with the Owners of Lands, Grounds or Hereditaments which are or may be affected by making the said Towing Path and Works, the said Company of Proprietors may purchase Lands and other Hereditaments not necessary to be made use of for the Purposes of this Act; be it therefore further enacted, That it shall and may be lawful for the said Company of Proprietors, by Indentures under their Common Seal, to grant and convey, by way of absolute Sale, for a Consideration in Money, such Part or Parts of the said Lands or Hereditaments which shall be so purchased by and conveyed to them as aforesaid, as shall not be wanting for the Purposes of this Act, and which Conveyances from the said Company of Proprietors shall be valid and effectual, any Thing in this Act contained or any other Law, Statute or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands or Hereditaments, it shall or may be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors, to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which the Lands or Hereditaments shall be so sold, or for so much thereof as in such Receipts shall be expressed or acknowledged to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication or Nonapplication of such Purchase Money or any Part thereof: Provided always, that the said Company of Proprietors, before they shall sell and dispose of such Lands and Hereditaments, shall first offer to resell the same to the Person or Persons from whom they shall have purchased the same, or who would have been then entitled thereto in
 case

case such Lands or Hereditaments had not been purchased by the said Company of Proprietors, the Price at which the same shall be resold being settled and adjudged by a Jury, in like Manner as the Price for any Land to be taken in pursuance of this Act, is herein directed to be settled and adjudged in case of Difference or Dispute as to the Value thereof; and if such Person or Persons shall not agree, or shall refuse to repurchase the same, it shall and may be lawful to and for any Person or Persons, not interested in the Premises, to make an Affidavit, to be sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Lands or Hereditaments shall lie or be situate, stating, that such Offer was made by or on Behalf of the said Company of Proprietors, and that such Person did not agree or did refuse to purchase such Lands or Hereditaments, as the the Case may be; and such Affidavit shall in all Courts be sufficient Evidence and Proof that such Offer was made and not agreed to or refused.

XVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchased, taken or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic or Person or Persons under any Disability or Incapacity, 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 *ex parte* the said Company of Proprietors or their Treasurer for the Time being, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements or Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments standing settled therewith, to the same or the like Uses, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for, or upon the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Messuages, Lands, Tenements and 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 said 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 Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to

Directing the Application of Money paid for Compensation for Land, &c. when exceeding 200l.

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, Tenements or Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

When not exceeding 20l. and above 20l.

XVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then, and in all such Cases, the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the 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 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 the said Company of Proprietors, 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 hereinbefore directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When less than 20l.

XIX. 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 Hereditaments so purchased, taken or used for the Purposes of this Act, in such Manner as the said Company of Proprietors 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;

or if Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery, on Motion or Petition.

XX. 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 or Hereditaments to be purchased by virtue of this Act for the Purposes aforesaid, 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 Company of Proprietors; or in case the Person or Persons to whom any 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 or Hereditaments be not known or discovered, then, and in every such Case, it shall and may be lawful to and for the said Company of Proprietors, or any Five or more of them, to order the Sum and Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands and Hereditaments

ditaments (describing them if they are known, and if they are not known then generally to the Credit of the Parties interested in the said Lands or Hereditaments, without any Description of 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 same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of such Person or Persons making Claim thereto; and to make such other Order in the said 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.

XXI. 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 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 to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of the Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under 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; and the Dividends and Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied or 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.

When any Question shall arise touching the Title to Money to be paid, the Persons in Possession of the Lands at the Time of the Purchase shall be deemed entitled thereto.

XXII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporations entitled to any Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Houses, Buildings, Lands, Tenements or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Company, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court may order reasonable Expences of Purchases to be paid by the Company.

XXIII. And

Yearly Rents
to be charge-
able on Rates,

XXIII. And be it further enacted, That all and every such yearly Rents or Sums as shall be agreed upon, or settled and ascertained as aforesaid, shall be charged and chargeable on the Tolls, Rates or Duties arising by virtue of this Act, and shall be paid by the said Company as the same shall become due and payable; and in case of Non-payment thereof within Twenty-one Days next after the same shall become due, and Demand thereof made upon the Treasurer or other known Agent of the said Company, the said Justices are hereby authorized and required, by an Order under their Hands and Seals, to appoint One or more Person or Persons to receive a sufficient Part of the said Tolls, Rates and Duties, and to pay the same to such Person or Persons to whom such yearly Rents or Sums shall be due and payable as aforesaid, until such yearly Rents or Sums, with the Costs and Charges of recovering and receiving the same, shall be fully satisfied and paid; or otherwise the said yearly Rents or Sums may be sued for or recovered with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, or at the Election of the Parties entitled thereto respectively, may be recovered by Distress and Sale of the Goods and Chattels of the said Company, in such Manner as the Law directs in Cases of Distress for Rent.

or may be re-
covered at
Law.

Differences
and Compens-
ations to be
settled by
Justices.

XXIV. And be it further enacted, That in case any Difference shall at any Time arise between the said Company of Proprietors, and the several Owners and Occupiers of or Persons interested in any Lands, Grounds, Tenements or Hereditaments which shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, touching the Purchase Money or annual Rent to be paid, or other Recompence or Satisfaction to be made to them respectively or otherwise, for any Thing done in pursuance of this Act, then, and in every such Case, any Two Justices of the Peace acting for the County in which the said Lands Grounds, Tenements or Hereditaments shall be situate, shall, and they are hereby authorized and required, upon Request to them made by or on Behalf of the said Company of Proprietors, or by or on Behalf of any Owner or Owners, Occupier or Occupiers of any such Lands, Grounds, Tenements or Hereditaments as aforesaid, by such Ways and Means as to such Justices shall seem best, to hear, settle, determine and adjust all Questions, Matters and Differences which shall or may arise between the said Company of Proprietors, their Successors and Assigns, or any of them, and the several Owners or Occupiers of or Persons interested in any Lands, Grounds, Tenements or Hereditaments, that shall or may be affected or prejudiced by the Execution of any of the Powers granted in and by this Act, and for otherwise putting this Act in Execution; and they the said Justices are hereby empowered, by Writing under their Hands and Seals, to determine and adjust from Time to Time what Sum or Sums of Money shall be paid by the said Company, either by an annual Rent or Payment, or by a Sum of Money in Gross, by and at the Election of the said Owners or Occupiers of or Persons interested in such Lands, Grounds, Tenements or Hereditaments, to such Bodies Politic, Corporate or Collegiate, or Person or Persons respectively, who shall be entitled or interested as aforesaid, as and for a Satisfaction for any Damage done to or Trespas committed upon any Lands, Grounds, Tenements or Hereditaments, which shall be damaged or used for the Purposes of this Act; and also to adjust and determine the Recompence to be made for any Damages which shall be occasioned by any of the Works by this Act authorized to be made,

made, or which may at any Time or Times hereafter be sustained by such Bodies Politic, Corporate or Collegiate, or any Person or Persons respectively, being Owner or Owners, Occupier or Occupiers of or interested in any such Lands, Grounds, Tenements or Hereditaments, for or by reason of the making, repairing and maintaining the said Towing Path, or by reason or means of the Execution of any of the Powers herein contained, by the said Company of Proprietors, their Agents, Servants or Workmen, for or by reason or in consequence of any of the Banks of the said River, or the said Towing Path or other Works being at any Time or Times out of Repair, in case such Damages, Recompence or Satisfaction cannot be settled, adjusted and agreed for, by and between the said Company of Proprietors, and the Owner and Owners, Occupier or Occupiers of and Persons interested in any such Lands, Tenements or Hereditaments as aforesaid; and if any such Bodies Politic, Corporate or Collegiate, or other Person or Persons so interested as aforesaid, for or on his or their Part, or the said Company on their Parts, shall be dissatisfied with any Determination which shall be made by the said Justices as aforesaid, or if any such Bodies Politic, Corporate or Collegiate, Trustee or Trustees, or other Person or Persons entitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof made, such annual Rent or such Recompence or Satisfaction as shall be so determined to be paid, or upon Notice in Writing to him, her, or them given or left at the Dwelling-house or Houses, or Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate or Collegiate, or at the House of the Tenant in Possession of such Lands or Hereditaments, shall, for the Space of Fourteen Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises; or by reason of Absence or other legal Disability shall be prevented from treating, then, and in every such Case, the said Justices shall, upon Request as aforesaid, and they are hereby authorized and required to cause such Damage and Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County where the Lands in Question shall lie; and in order thereto the said Justices shall and may from Time to Time, as Occasion shall require, summons and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises; and the said Justices shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Recompence, the said Justices shall thereupon order, adjudge, and determine the Sum or Sums of Money or annual Rent so assessed by the said Jury to be paid to the Owners and Persons interested in the said Lands or Hereditaments according to the Verdict or Inquisition of the said Jury, which said Verdict or Inquisition and Judgment, Order or Determination thereon, shall be final, binding and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate and Collegiate, Corporations Aggregate or Sole, as well as all other Person and Persons, whomsoever; and for summoning and returning such Jury, the said Justices are hereby empowered and required to issue their

[Loc. & Per.]

36 2

Warrant

If Parties refuse to submit, or are dissatisfied with Determination of the Justices, or refuse to accept Satisfaction, or upon Notice shall refuse to treat

Justices may issue Warrants for summoning Jury-

Warrant or Warrants, under their Hands and Seals, to the Sheriff of the said County of *Worcester* or *Gloucester*, where the Lands in Question shall lie; or in case such Sheriff, or his Deputy or Deputies, shall be in anywise interested in the Matter in Question, then to some One of the Coroners of such County not interested therein, thereby requiring such Sheriff or Coroner to impanel and return an indifferent Jury of Twenty-four Persons qualified to serve on Juries, to appear before them the said Justices, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff or his Deputy is hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impanelled and returned, or out of such of them as shall appear upon such Summons, the said Justices or One of them shall and they are hereby empowered to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy shall return other honest and indifferent Men of the Standers-by or that can be speedily procured to attend that Service to the Number of Twelve; and all Persons shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Justices acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and upon any of the Persons who shall be summoned and returned on such Jury, and shall not appear without any reasonable and sufficient Excuse, or refuse to be sworn on the said Jury, or being so sworn shall refuse to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury shall refuse or neglect to appear, without any reasonable and sufficient Excuse, or appearing refuse to be examined and to give Evidence; and which Fine or Fines shall be levied and applied in such Manner as other Penalties and Forfeitures are hereinafter directed to be levied and applied, so that no such Fine be more than Ten Pounds on any One Person for One Offence.

For want of
Jurymen,
Standers-by
procured.

Jurymen may
be chal-
lenged.

By whom the
Expences
shall be paid.

XXV. And be it further enacted, That in all Cases where a Verdict or Assessment shall be given or made for more Monies, as a Recompence or Satisfaction for any Lands, Grounds or Hereditaments, or any Damage to be done to any Lands, Grounds or Hereditaments, or Property of any Person or Persons whomsoever, than had been previously offered or tendered by or on the Behalf of the said Company of Proprietors, or than had been determined or assessed by the said Justices; or if no such Recompence or Satisfaction had been offered or tendered in respect of Damages by or on Behalf of the said Company, then all the Expences of summoning such Jury and taking such Inquest shall be settled by the said Justices before whom any Questions, Controversies, Disputes, Matters or Things shall be determined, and shall be paid by the said Company, if the said Justices shall certify that the said Company ought to pay and defray such Costs and Expences; but if any Verdict or Assessment shall be given or made for no greater Sum than had been previously offered by or on Behalf of the said Company, or than had been determined or assessed by the said Justices as aforesaid, or in case no Damage shall be given by the Verdict, (when the Dispute is for Damages only) then, and in every such Case, the Costs and Expences of summoning such Jury

Jury and taking such Inquest shall be settled in like Manner by the said Justices, and shall be borne and paid by the Person or Persons with whom the said Company shall have such Controversy or Dispute; and in case the Justices before whom any Questions, Controversies, Disputes, Matters or Things shall be determined, shall certify that such Person or Persons ought to pay and defray such Costs and Expences; and in case the said Justices before whom any Questions, Controversies, Disputes, Matters or Things shall be determined, shall refuse or neglect to certify as aforesaid, then, and in every such Case, each Party shall pay their own Costs and Expences.

XXVI. And be it further enacted, That all and every Person and Persons making Complaint and requesting such Jury, shall, before the said Justices shall be obliged to issue out their Warrant or Warrants for the summoning such Jury, first enter into a Bond with two sufficient Sureties, to the Treasurer of the said Company for the Time being, in the Penalty of Forty Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences, of summoning such Jury and taking such Inquest, in case the Justices shall certify the Party ought to pay Costs.

Persons requesting a Jury to enter into Bond to prosecute.

XXVII. And be it further enacted, That every such Jury and Jurymen as aforesaid shall be under and subject to the same Regulations, Pains and Penalties, as if such Jury or Jurymen had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and that all and every Person and Persons who in any Examination to be taken by virtue of this Act, shall wilfully and corruptly give false Evidence before the said Justices, or before any such Jury as aforesaid, shall and may be prosecuted for the same; and upon Conviction thereof, shall be subject to such Punishment and Disqualification as any Person or Persons can or may be subject to for wilful or corrupt Perjury by the Laws or Statutes of the Realm.

Jury to be under the same Regulations as in the Courts at Westminster, and Persons guilty of Perjury may be prosecuted.

XXVIII. And be it further enacted, That all the Determinations of the said Justices, which shall be submitted to and acquiesced in by the Parties concerned, and also the Verdicts of the Juries and the Judgments of the said Justices thereon as aforesaid, shall be transmitted to and be kept by the Clerk of the Peace for the said County of *Worcester* or of *Gloucester* respectively where the Question shall arise, and shall be deemed Records to all Intents and Purposes; and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of One Shilling, and no more, and to take Copies or Extracts therefrom, paying for every Copy or Extract after the Rate of Eight-pence for every One hundred Words.

Verdicts to be recorded.

XXIX. And be it further enacted, That the said Justices and Juries respectively shall award all Determinations, Judgments or Verdicts which they shall respectively make and give in the Execution of the Powers hereby vested in them, concerning the Rent or Value of Lands or other Hereditaments, separately and distinctly from the Consideration of any other Damages sustained or to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish

Verdict of Value of Lands and Damages to be ascertained separately.

distinguish the Rent or Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Application to be made to the Company before Complaint made to the Justices.

XXX. And be it further enacted, That the said Justices shall not, nor shall any of them, be obliged by virtue of this Act to receive or take Notice of any Complaint to be made by any Persons whomsoever, for any Damage or Injury by him, her or them sustained or supposed to be, sustained by virtue of this Act, unless Application hath been made or shall be made in relation thereto by or on Behalf of such Person or Persons to the said Company of Proprietors, or to some known Agent or Agents of the said Company, or some Collector of the Tolls arising from the said Towing Path, within the Space of Three Calendar Months next after the Time of such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

In Default of Payment of Sums assessed, Rates to be liable,

XXXI. And be it further enacted, That in Default of Payment of such Sum and Sums of Money, at such Times and in such Manner as shall be assessed and awarded for Damages of any Kind by the said Justices or by any Jury, any Two Justices of the Peace acting for the said County of *Worcester* or *Gloucester*, where the Matter in Question shall arise, shall and they are hereby authorized and required to appoint one or more Person or Persons to receive so much of the Rates and Duties by this Act granted, as shall be sufficient for the Purposes of paying all such Damages so to be determined or assessed as aforesaid, with the Costs, if any, occasioned by such Refusal or Default of Payment, together with legal Interest for the same, to be computed from the Time such Demands shall be awarded; and the Money so to be received by such Person or Persons, shall and is hereby declared to be as so much Money received to the Use of such Person or Persons who shall be entitled to receive such Satisfaction for Damages as aforesaid, in Order and Course respectively as such Determinations shall be in Priority of Time; and after such Damages and Costs shall be paid and satisfied, the Power and Authority of such Receivers for the Purposes aforesaid shall cease and determine, or otherwise such Party or Parties so aggrieved shall and may have a Remedy for such Sum or Sums of Money to be assessed and awarded, which shall not be paid according to the Judgment of the said Justices as aforesaid, with Interest and Costs for the same as aforesaid, by Action of Law in any of His Majesty's Courts of Record at *Westminster*, against the said Company, to recover the same with full Costs of Suit.

or to be recovered at Law.

If Damages are not paid, Justices may issue Warrants to levy the same.

XXXII. Provided always, and be it enacted, That in case the Damages and Costs by this Act directed to be satisfied out of the Tolls, Rates or Duties hereby granted, shall not be paid and satisfied within the Space of Three Calendar Months after the same shall be so determined or assessed as aforesaid, that then, and in such Case, it shall be lawful for any Two Justices acting for the said Counties of *Worcester* or *Gloucester*, where the Matters in Question shall arise, upon Complaint made to them by or on Behalf of the Person or Persons sustaining such Damage, to issue their Warrant or Warrants under their Hands and Seals, to levy and raise the Damages and Costs so to be determined and assessed, by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, their Successors and Assigns, together with such reasonable Charges as the said Justices shall in

such Warrant direct or appoint; and the Person or Persons to whom such Warrant or Warrants shall be directed as aforesaid, is and are hereby required to execute the same; and for want of sufficient Goods and Chattels of the said Company whereon to levy such Damages and Costs, that then the Person or Persons to whom the same shall be assessed and directed to be paid, shall and may stop and prevent the said Towing Path from being used through and over his, her or their Land, until all such Damages and Costs shall be fully paid and satisfied.

XXXIII. And be it further enacted, That no Action or Actions of Trespass whatsoever shall be brought by any Person or Persons against the Master or Owner of any Vessel, or of any Horse or Beast, 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 Trespases are by Law empowered to do.

No Action for involuntary Trespass until Demand of Damages made, &c.
Party may tender Amends.

XXXIV. And be it further enacted and declared, That upon Payment of such Sum or Sums of Money or annual Rent as shall be contracted or agreed for between the Parties, or determined or adjusted by the said Justices, or assessed by such Juries, in Manner respectively as aforesaid, for the Purchase of any such Lands or Grounds as aforesaid, to the Proprietors thereof, or other Persons entitled to receive such Money or Rent respectively, or on legal Tender thereof made to such Proprietor or Proprietors, or other Person or Persons, or to the principal Officer or Officers of any such Body Politic, Corporate or Collegiate, at any Time after the same shall have been so agreed for, determined or assessed; or if he, she or they cannot be found, or shall refuse to accept such Money or Rent upon Payment thereof to the Treasurer of the said Company, for the Use of, and to be paid upon Demand, without Fee or Reward, to such Proprietors or Persons respectively as aforesaid, then, and in such Case, it shall be lawful for the said Company of Proprietors, their Successors and Assigns, and their Deputies, Officers, Agents, Workmen and Servants from thenceforth to enter upon the same, and to dig, cut, trench, fough and remove Earth, Stone, Rubbish, Trees, Roots of Trees, and all other Obstructions for the making, using, maintaining and repairing of the said Towing Path and Works, and Conveniences hereby authorized to be made in and upon such Lands, Tenements or Hereditaments, for which such Satisfaction shall be determined or assessed as aforesaid, and thereupon to make, erect or to do any Works, Matters or Things for the effecting, supporting and maintaining of the said Towing Path and other Works, as the said Company shall think requisite; and such Payment shall not only bar all Right, Title, Claim and Demand of the Person or Persons to whose Use such Payment was made, but also extend to, and be deemed and construed to bar the Dower or Dowery of the Wife or Wives of such Person or Persons, and all Estates Tail in Reversion or Remainder against the Issue or Issues of such Person or Persons, and every Person claiming under them, as effectually as a Fine or Recovery, or either of them, would do if levied or suffered by the proper Parties in due Form of Law.

Satisfaction being made or tendered, the Company may enter and proceed on their Works.

Damages not specifically provided for, to be settled by Justices.

XXXV. And be it further enacted, That if at any Time or Times hereafter, any Person or Persons shall sustain any Damages in his, her or their Lands, Tenements, Hereditaments or Property, by reason of the Execution of any of the Powers hereby given, and through or by any Means not hereby provided for, then, and in every such Case, such Damages shall from Time to Time be ascertained, settled and determined by a Jury, in such and the like Manner as hereinbefore directed with respect to the Purchase of any Lands, Tenements or Hereditaments, and be recovered, levied and applied in such Manner as other Damages hereinbefore mentioned are directed to be recovered, levied and applied.

Time appointed for first Meeting of Proprietors. A Committee to be chosen to manage the Affairs of the Company.

XXXVI. And be it further enacted, That the First General Assembly or Meeting of the Proprietors for putting this Act into Execution, shall be held at the *Hop Pole Inn*, in the City of *Worcester*, upon the *Monday* Fortnight next after the passing of this Act, at which said First Meeting the said Proprietors assembled, together with such Proxies as shall be then present, shall chuse a Committee, not exceeding Twelve nor less than Nine Proprietors in the said Undertaking, to manage, direct and carry on the said Improvement and Works hereby authorized to be made, and all the Affairs and Business of the said Company of Proprietors for the Year then next following, or until another Committee shall be appointed, and to do all other Matters and Things whatsoever relating thereto, at which Meeting the said Proprietors shall also chuse and appoint a Treasurer or Treasurers, and a Clerk or Clerks, who shall also attend the General Meetings and Assemblies of the said Proprietors, and the Meeting of the said Committee, and make Entries and do whatsoever shall be ordered at such Meetings respectively.

The Treasurer, and Clerk to be appointed.

Committee to be chosen annually,

XXXVII. And be it further enacted, That the said Committee shall be afterwards annually chosen at a General Meeting of Proprietors, and shall meet constantly every Six Calendar Months (or oftener if the said Committee shall find it necessary) at a Day, Hour and Place to be appointed, until the Works aforesaid shall be completed, and as often afterwards (at such Place to be by them appointed after Seven Days Notice given thereof by the Clerk of the said Company) as Occasion shall require; and all the Proceedings of the said Committee shall be regularly entered in a Book or Books to be kept by the Clerk for that Purpose; and in order to defray the Expences of the Meetings of the said Committee, it shall be lawful for the said Committee, and they are hereby allowed, to expend or retain to themselves such Sum of Money out of the Capital Stock of the said Proprietors for their Expences in attending such Meeting as the said Company of Proprietors shall direct or appoint: Provided always, that no one Member of the said Committee, though he may be a Proprietor of many Shares, shall have more than One Voice in the said Committee, except the Chairman, who shall be chosen by themselves, and who in case of a Division of equal Numbers shall have the casting Vote, although he may have given One Vote before.

and Proceedings entered into a Book.

Each Member of the Committee to have only one Vote, except the Chairman to have the casting Vote.

No Business to be done at a Committee unless Three present. Treasurers not to issue

XXXVIII. And be it further enacted, That no Resolution shall be taken, or Business done at any of the Meetings of the said Committee, unless Three Persons chosen of such Committee shall be present; nor shall the Treasurer or Treasurers issue out any Sum or Sums of Money for the Use of the said Company, without an Order signed by the Majority

rity of the Committee present at such Meetings, and never by fewer than Three of them; and all such Orders for the Payment of Money shall be entered in the Books of the said Company of Proprietors; and the Treasurer or Treasurers shall be allowed all his or their Expences in the Execution of his or their Office, and shall give such Security for properly accounting for, and paying all such Monies as shall come to his or their Hands, as the said Company shall judge necessary; and the said Treasurer's Account shall be examined and compared with the Books of the said Committee every Half-year, and shall be made up, and the Balance settled and signed by the said Committee, or any Three or more of them: Provided also, that such Committee shall from Time to Time make Reports of their Proceedings to the said General Assemblies, and be subject to the Examination and Controul of the said General Assemblies of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premises, as shall from Time to Time be made by the said Proprietors at any General Assembly, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Money without an Order from Committee.

Treasurer to be allowed his Expences.

Treasurer's Accounts to be examined and signed by Committee.

Committee to make Reports of their Proceedings to General Assembly

XXXIX. And be it further enacted, That the said Company of Proprietors shall always have full Power and Authority at any General Assembly to remove or displace any Person or Persons chosen to be of the Committee aforesaid, or any other Officer or Officers under them, and to make, revoke, alter, amend or change any of the Rules and Directions herein prescribed and laid down in regard to their Proceedings amongst themselves, as to the major Part of them shall seem meet (the Method of calling Special or General Assemblies, and voting, and appointing Committees only excepted) and shall have Power to make such Rules, Bye-Laws and Orders for the good Government of the said Company, and the good and orderly using of the said Undertaking, and from Time to Time to alter and repeal the said Bye-Laws, Orders and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of such General Assembly shall seem meet, not exceeding the Sum of Ten Pounds for any One Offence, such Fines or Forfeitures to be levied and recovered by such Ways or Means as Fines or Forfeitures are by this Act to be levied and recovered; which said Rules, Bye-Laws, and Orders being put into Writing, under the Common Seal of the said Company, and being printed and published, shall be binding to and be observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided that they be not repugnant to the Law of that Part of the United Kingdom called *England*, or any Directions in this Act contained, but subject to Appeal in Manner herein mentioned.

General Assembly may remove or displace Committee Men or other Officers, and alter or revoke any Rules or Regulations.

XL. And be it further enacted, That there shall be Two General Meetings of the said Company of Proprietors held every Year, as near as may be Half-yearly, at the Time and Place to be determined upon by the General Assembly, at which Times the Books of the said Committees shall be produced, and also the Treasurer's Accounts (the same being first passed by the said Committee at their last Meeting), and the same Accounts shall be then free for the Inspection of all the said Company of Proprietors.

Two General Meetings to be held yearly, and all Accounts to be then settled and passed.

Assembly of Proprietors may be specially convened.

XLI. Provided always, and be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act into Execution, a Special Assembly of the said Company of Proprietors is necessary to be held, it shall be lawful for any Ten or more of them possessed of Shares in the said Undertaking, to cause Twenty-one Days' Notice at least to be given thereof in a *Worcester, Gloucester*, and any Two *London* Newspapers, or in such other Manner and at such Time or Place as the said Company of Proprietors shall at any General Assembly direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special Assembly, and the Time when and the Place where the same shall be held (such Place being where the same shall from Time to Time be directed by the General Assembly of the said Company, and not elsewhere); and the said Company are hereby authorized to meet pursuant to such Notice; and such of them as shall be present shall proceed to the Execution of the Powers of this Act given to the said Company with respect to the Matter so specified only; and all such Acts of the Proprietors, or of the major Part of them met together, shall be, as valid with respect to the Matter specified in such Notice, as if the same had been done at any ordinary General Assembly.

Proceedings entered in the Books of the Company to be Evidence.

XLII. And be it further enacted, That all Orders and Proceedings of the said Company of Proprietors at their General Assemblies, or of their Committee at their several Meetings, which shall be entered in a Book or Books to be kept for such Purposes, and signed respectively by the Chairman of such General or Special Assembly, or by the Clerk of the said Company, or by the Chairman of such Committee, or by their Clerk, shall be deemed or taken to be Originals, and shall be allowed as Evidence in all Courts or Places whatsoever.

For the Purpose of making and recovering Calls, the Persons whose Names are standing in the Company's Books as Proprietors are to be deemed the actual Proprietors.

XLIII. And be it further enacted, That the Bodies Politic, Corporate and Collegiate, and all and every Person and Persons whose Names shall at any Time hereafter stand in the said Register Book or List of Proprietors of the said Company, either as Proprietor or Proprietors of one or more Share or Shares in the said Undertaking, whether as original or future Subscribers, or as Successors, Administrators or Assigns, or Assignees of Subscribers, shall be deemed and taken to be the actual Proprietors of the several Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of all and every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures and Penalties to which original Proprietors of Shares in the said Undertaking are made subject and liable by this Act.

For compelling Subscribers to pay their Subscription-Money.

XLIV. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe to advance any Money for and towards making and maintaining the said Towing Path and the Works hereby authorized to be made, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company of Proprietors or the said Committee, under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company of Proprietors or the said Committee in Manner before mentioned; and in case any Person or Persons shall neglect or refuse to pay the same at the Time and in Manner required for that Purpose, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law or Equity.

XLV. And

XLV. And be it further enacted, That the said Committee shall have Power from Time to Time to make such Call or Calls for Money from the Proprietors of the said Undertaking to defray the Expences of or to carry on the same, as they from Time to Time shall find necessary for the Purposes aforesaid, which Money so called for, shall be paid into the Hands of the Treasurer or Treasurers to the Company for the Time being, to be paid and applied in such Manner as the said Committee shall from Time to Time appoint and direct, for the Use of the said Towing Path and Works hereby authorized to be made; and such Committee shall, until the next Annual or other General Assembly, to be holden in Manner aforesaid, have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in buying and purchasing Lands, Liberties and Materials for the Use of the said Towing Path and Works, as in employing, ordering and directing the Works and Workmen, and in placing and displacing Under-Officers, Clerks and Servants, and in making all Contracts and Bargains touching the said Undertaking, so that no such Purchase, Bargain or other Matter be done or transacted without the Concurrence of the major Part of the said Committee who shall be then and there assembled; and every Owner or Owners of One or more Share or Shares in the said Undertaking, shall pay his, her or their Shares and Proportions of the Monies to be called for as aforesaid, at such Time and Place as shall be appointed, of which Twenty-one Days' Notice, except the first Call of Ten Pounds *per Centum*, which may be at Seven Days' Notice, shall be given by publishing the same in some public Newspapers circulating in the said Counties of *Worcester* and *Gloucester*; and the Clerk of the said Committee shall also give Notice to each Subscriber or Proprietor of such Call, and the Treasurer's Name and Place of Abode to whom such Payments are to be made; and if any Person or Persons shall refuse or neglect to pay his, her or their rateable or proportionable Part or Share of the said Money to be called for by the said first Call to be made by virtue of this Act at the Time and Place so to be appointed as aforesaid, it shall be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, Bill, Suit or Information, wherein no Essoign, Protection, or Wager at Law, or more than One Impar lance shall be allowed; and if any Person or Persons shall refuse or neglect to pay his, her or their rateable or proportionable Part or Share of the said Money to be called for after the first Call as aforesaid, at the Time and Place so appointed, he, she or they so neglecting or refusing shall forfeit the Sum of Ten Pounds for every Twenty-five Pounds of his, her or their respective Share and Shares, Parts and Interests in the said Undertaking and Premises; and in case any such Person or Persons shall neglect to pay his, her or their rateable or proportionable part of the Share of the said Money to be called for as aforesaid, for the Space of Three Calendar Months after the Time appointed for Payment thereof as aforesaid, then he, she or they so neglecting shall forfeit his, her or their respective Share and Shares, Parts and Interests in the said Undertaking and Premises, and all the Profit and Benefit thereof, all which Forfeitures shall go to the said Company of Proprietors, and for the Benefit of the rest of the said Proprietors, in proportion to their respective Interests, or another Person shall and may be admitted in the Place and Stead of such Person forfeiting as aforesaid, at the Election of the Proprietors, so as to keep up the original Number.

Committee
to make
Calls.

to be paid in-
to the Hands
of the Trea-
surer to be
applied in the
Works of the
Company.

Notice of
Calls to be
advertised in
public New-
papers, and
also by Letter
from the
Clerk to each
Proprietor.

Persons refus-
ing to pay
Calls after
Three
Months to
forfeit their
Shares.

No Advantage to be taken of Forfeiture unless declared forfeited at a General Assembly.

XLVI. Provided always, That no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking, unless the same shall be declared to be forfeited at some General Assembly of the said Company of Proprietors, which shall be held within Twelve Calendar Months next after such Forfeiture shall happen to be made, and every such Forfeiture shall be an Indemnification to and for every Proprietor or Proprietors so forfeiting, against all Action and Actions, Suits or Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting, and the rest of the Proprietors, with regard to carrying on the said Undertaking.

Executors of Owners of Shares indemnified for paying Money when called for.

XLVII. And be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall die before Calls shall be made for the full Sum to be advanced on each Share which he, she or they shall have been possessed of or entitled to (without having made Provision by Will or otherwise how such Share or Shares shall be disposed of, and the Money paid in upon Calls for the future), then, and in such Case, the Executors or Administrators of any such Owner or Owners so dying, and the Trustee or Trustees, Guardian or Guardians of any Infant, or other Person or Persons whomsoever, entitled to the Estate and Effects of such Owner or Owners deceased, shall be indemnified against all such Infant or Infants, or other Persons whomsoever, for paying any Sum of Money when called for as aforesaid, to complete any such Subscription; and if such Owner deceased shall not have left Assets sufficient, or in case the Executors or Administrators, Trustees or Guardians, shall refuse or neglect to answer such Calls and Payments, the said Company of Proprietors shall be and are hereby empowered, authorized and required to admit any other Person or Persons to be a Proprietor or Proprietors of the Share and Shares of such Owner or Owners deceased, on Condition that he, she or they so admitted do and shall on or before such Admission pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Guardian or Guardians of any Infant, or others entitled to his, her or their Effects, the full Sum and Sums of Money which shall have been by such Owner or Owners in his, her or their Lifetime, by virtue of any Call or Calls or otherwise advanced upon such Share or Shares; and in Default of such Calls being answered and made good in Manner aforesaid, it shall be lawful for the said Company of Proprietors to sell and dispose of the Share or Shares of such deceased Owner or Owners, and pay or apply the Money arising by such Sale (after deducting the reasonable Charges occasioned thereby) to and for the Benefit of the Representative or Representatives of such deceased Owner or Owners.

If Owners die without Assets, or Executors neglect to answer Call, Company may admit others.

If Calls not answered, Company may sell Shares of such deceased Owners.

Shares may be disposed of.

XLVIII. And be it further enacted, That it shall be lawful for the said several Proprietors of the said Undertaking, to sell or dispose of any Share or Shares he, she or they shall and may be entitled to therein, subject to the Rules and Conditions herein mentioned, and any Purchaser or Purchasers shall for his, her or their Security, as well as that of such Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed of Bargain and Sale or Conveyance made to him, her, or them, and executed by such Person or Persons of whom he, she or they shall purchase the same, and also by the Purchaser or Purchasers, One Part whereof duly executed

executed both by the Seller and Purchaser shall be delivered to the said Committee or their Clerk for the Time being, to be filed and kept for the Use of the said Company, and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk for that Purpose, for which no more than Five Shillings shall be paid, and the said Clerk is hereby empowered to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered unto the said Committee, and filed and entered as before directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share paid unto him, her or them, or any Vote as a Proprietor or Proprietors.

XLIX. And be it further enacted, That after any Call of such Monies shall be made by Authority of this Act, no Person or Persons shall sell or transfer any Share which he, she or they shall then have in the said Undertaking, until the Monies called for upon his, her or their respective Share or Shares so to be sold shall be paid; and every Person making Default herein, shall forfeit his, her or their respective Share or Shares of the said Undertaking to the said Company, in Trust for the Benefit of all the other Proprietors, unless the Person or Persons who shall be Vendor or Vendee shall at the Time of such Transfer, pay the Money called for upon such Share so transferred to the Treasurer of the said Company, such Forfeiture nevertheless to be notified and declared at a General Assembly in Manner above directed.

No Person to sell after Call made until the Monies called for shall be paid.

L. And be it further enacted, That the Conveyance for the Sale of the said Shares shall be in the following Form, or by any other Words to the like Effect: that is to say,

I *A. B.* of
 consideration of
 by *C. D.* of
 bargain, sell and transfer to the said *C. D.* his, [*or, her*] Executors,
 Administrators, and Assigns,
 Share [*or, Shares, as the Case may be*] of the Undertaking for extending
 and making the Horse Towing Path on the Banks of the River *Severn*
 from *Worcester* Bridge to a certain Place below the City of *Gloucester*
 called the *Lower Parting*, at the Corner of *Portham Mead*, in the County of *Gloucester*, to hold unto and to the Use of the said *C. D.* his, her
 or their Executors, Administrators, and Assigns, [*as the Case may be or require*] subject to the same Rules and Orders, and on the same Conditions that I now hold the same; and I the said *C. D.* do hereby agree
 to accept of the said Share [*or, Shares*] of the said Undertaking, subject to the same Rules, Orders, and Conditions. Witness
 our Hands and Seals, the Day of

in Form of Transfer of Shares.
 paid to me do hereby

LI. And whereas much Inconvenience may arise by the frequent Transfer of the Right and Title to the Shares of and in the said Undertaking, by the Marriage and Death of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong; be it therefore further enacted, That before any Person or Persons, who shall claim any Part or Share of the Profits of the said Undertaking in Right of Marriage, shall

Regulations as to the Acquisitions of Shares.
 By Marriage;

shall be entitled to receive the same, an Affidavit, containing a Copy of the Register of such Marriage, or the Affidavit of such Register shall be made and sworn to by some credible Person, before one of the Judges at *Westminster*, a Master or Master Extraordinary in Chancery, or one of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk or Clerks of the said Company, who shall file the same and make an Entry thereof in the Book or Books which shall be kept by the said Clerk or Clerks for the Entry of Transfers or Sales of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will or the Probate thereof, or the Letters of Administration, shall be produced and shewn to the said Clerk or Clerks, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator shall be made and sworn to by any Executor or Executors of such Will, before one of the Judges of His Majesty's Courts of Record at *Westminster*, a Master or Master Extraordinary in Chancery, or one of His Majesty's Justices of the Peace, and shall also be transmitted to the said Clerk or Clerks, who shall file and enter the same in the Manner hereinbefore mentioned; and that in all Cases other than is hereinbefore mentioned, where the Right and Property in one or more Share and Shares in the said Undertaking shall pass from the original Proprietor thereof to any other Person or Persons, by any other legal Means than by a Transfer or Conveyance thereof as herein directed, an Affidavit shall be made and sworn to by Two credible Persons, before one of the Judges of His Majesty's Courts of Record at *Westminster*, or a Master or Master Extraordinary in Chancery, or one of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, and such Affidavit shall be transmitted to the Clerk or Clerks of the said Company of Proprietors, who shall thereupon enter and register the Name of every such new Proprietor or Proprietors in the Register Book or List of Proprietors; and that in all or any of the said Cases, it shall and may be lawful to and for the said Company of Proprietors, at any Special or General Assembly after Three Calendar Months' Notice shall have been given by the said Clerk or Clerks, to the Person or Persons claiming to be Owner or Owners thereof, and such Person or Persons shall not have paid his, her or their Proportion of the Money becoming payable by virtue of any Call or Calls as aforesaid, and after Notice thereof shall have been given Three Times, at the Intervals of Seven Days between each Advertisement, in Two *London* Newspapers, and in a *Worcester* and *Gloucester* Newspaper, to declare the same Share or Shares to be forfeited; and in such Case the same shall be and become forfeited, and sold and disposed of in such Manner as the said Company of Proprietors shall direct, or otherwise become consolidated in the General Fund of the said Company.

LII. And, to the end the said Company of Proprietors may be further enabled to carry on the said Undertaking; be it further enacted, That it shall be lawful for the said Company of Proprietors, their Successors and Assigns, to raise and contribute amongst themselves, and in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and completing the said Towing Path and other Works

by Will, or in
Course of Ad-
ministration;

or by any
other Means.

Proprietors
may raise
Ten thou-
sand Pounds
among them-
selves to carry
on the Work.

hereby authorized to be made; provided that the said Sum do not exceed the Sum of Ten thousand Pounds in the whole (except as hereinafter mentioned); and that the same be divided into such Number of Shares as hereinafter directed, at a Price not exceeding Twenty-five Pounds per Share; and that no Person subscribing thereunto or becoming a Proprietor in such Undertaking, do become a Proprietor of more than Ten Shares, either in his own Name or in the Name or Names of any other Person or Persons in Trust for him (except the same shall come to him by Will or Act in Law) upon Pain of forfeiting to the said Company of Proprietors, their Successors and Assigns, all such Shares exceeding Ten Shares aforesaid; and the Money so to be raised is hereby directed and appointed to be laid out and applied, in the first place, for and towards the Payment, Discharge and Satisfaction of all Fees and Disbursements for obtaining and passing this Act, and all other necessary Expences relating thereunto, and all the Residue and Remainder of such Money for and towards making, completing and maintaining the said Towing Path, and other the Purposes of this Act, and to no other Use, Intent or Purpose whatsoever.

No Person to have more than Ten Shares.

LIII. And be it further enacted, That the said Sum or such Part thereof as shall be raised by the several Persons hereinbefore named, shall be divided into Four hundred equal Parts or Shares, at a Price not exceeding Twenty-five Pounds per Share; and that the said Shares shall be, and the same are hereby vested in the several Persons before mentioned, and their several and respective Executors, Administrators, and Assigns, proportionably to the Sum they and each of them shall severally subscribe and pay thereunto, and shall be deemed personal Estate; and all and every the Bodies Politic and Corporate, and every Person and Persons, their several and respective Successors, Executors, Administrators and Assigns, who have already subscribed or who shall severally subscribe and pay the Sum of Twenty-five Pounds, or such Sum as shall be demanded in lieu thereof, towards carrying on and completing the said Towing Path and Works hereby authorized to be made, shall be entitled to receive after the aforesaid Improvement should be completed, the entire and neat Distribution of One four-hundredth Part of the said Profits and Advantages that shall and may arise and accrue by virtue of the Sum or Sums of Money to be raised, recovered or received by the Authority of this Act, and so in proportion for any greater Number of Shares not exceeding Ten Shares as aforesaid; and every Body Corporate or Politic, Person or Persons having such Property of One four-hundredth Part or Share in the said Undertaking, and so in proportion as aforesaid, shall bear and pay a proportionable Sum of Money towards carrying on the said Undertaking, in Manner hereby enacted, directed and appointed; and shall have a Vote in every Public Meeting or Assembly to be held as hereinafter appointed for carrying on the said Undertaking, which may be given by him, her or them, or by his, her or their Proxy or Proxies, duly constituted under his, her or their Hand and Seal or Hands and Seals, and such Vote or Votes by Proxy shall be sufficient to all Intents and Purposes as if such Principal or Principals had voted in Person, and any Body or Bodies Politic or Corporate, Person or Persons who shall have more than One such Share, and not exceeding Ten Shares, shall have Liberty by him, her or themselves, or by his, her or their Proxies regularly constituted as aforesaid, to give One Vote for each such

Money to be raised to be divided into Four hundred Shares. To be deemed personal.

Proprietors to have a Vote for every Share.

of Money so to be borrowed, with Interest, to such Person or Persons, or their Trustees, who shall advance the same, under the Common Seal of the said Company, by the following Words of Assignment or by any other Words to the same Effect: *videlicet*,

' BY virtue of an Act made in the Fifty-first Year of the Reign of His Majesty King George the Third, intituled, An Act [*here insert the Title of this Act*] We, the Company of Proprietors of the said Undertaking, incorporated by and under the said Act, in consideration of the Sum of _____ to us in Hand paid by _____ of _____ do assign unto the said _____ his [*her, or, their*] Executors, Administrators, and Assigns [*as the Case may be and require*] all and singular the Tolls, Rates and Duties arising by virtue of the said Act, and also the said Undertaking and Premises, and all the Right, Title and Interest of us the said Company of Proprietors, of, in and unto the same, to hold to the said _____ his, [*her, or, their*] Executors, Administrators, and Assigns [*as the Case may be and require*] until the said Sum of _____ together with Interest for the same after the Rate of _____ *per Centum per Annum*, be paid. Given under our Seal the _____ Day of _____

Form of Assignment.

And all and every Person or Persons to whom such Assignment or Assignments shall be made, shall be equally entitled to their Proportion of the said Tolls, Rates, Duties and Premises, according to their respective Sums in such Assignment mentioned to be advanced, without any Preference by reason of Priority of such Assignment, or on any other Account whatsoever; and the Money so borrowed shall be applied for and towards the making, completing and maintaining of the said Towing Path and other Works hereby authorized to be made.

LV. And be it further enacted, That all Entries or Memorials of every such Grant or Grants, 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 to the said Company of Proprietors, which said Books shall and may be perused at all reasonable Times by any of the Proprietors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and that all and every Person and Persons to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby granted or secured, may from Time to Time assign or transfer his, her or their Right, Title, Interest or Benefit, to the said Principal and Interest Money thereby secured, to any Person or Persons whomsoever, which Transfer shall and may be made in the Words or to the Effect following: that is to say,

Entries of all Grants and Assignments to be made in Books.

Assignments may be transferred.

' I [*or, we*] do hereby transfer a certain Mortgage made by the Company of Proprietors of the *Gloucester and Worcester* Horse Towing Path to _____ bearing Date the _____ Day of _____ for securing the Sum of _____ and Interest, and all my [*or, our*] Right and Property therein, to _____ Executors, Administrators and Assigns. Dated this _____ Day of _____

Form of Transfer.

And every such Transfer or Assignment shall, within Thirty Days after the Date thereof, be produced and notified to the said Clerk, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing

To be notified to Clerk and entered in same Book.

taining the Date, Names of the Parties, and the Sum of Money thereby transferred, in the said Book or Books to be kept for entering the said original Grant or Assignment, for which the said Clerk or Clerks shall be paid Five Shillings, and no more; and after such Entry made, but not till then, every such Assignment shall entitle such Assignee, his, her and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign again, and so *toties quoties*.

Interest to be paid Half-yearly before Dividend named.

LVI. And be it further enacted, That the Interest of the Money which shall be borrowed by Mortgage as aforesaid, shall be paid Half-yearly to the several Persons entitled thereto, in Preference to any Interest or Dividends due and payable by virtue of this Act to the said Company of Proprietors or any of them, and shall from Time to Time be fully paid and discharged, or provided for before the Yearly or other Interest or Dividends due to the said Proprietors shall be paid, made or divided; and in case such Interest or any Part thereof shall be due and unpaid by the Space of Twenty-one Days after the same shall become due and payable as aforesaid, and after Demand made, then it shall be lawful for any Two or more Justices of the Peace acting for the said County of *Worcester* or of *Gloucester*, and they are hereby required, on Request made to them by any Creditor whose Interest shall be so in Arrear, by an Order under their Hands, to appoint One or more Person or Persons to receive the whole or such Part or Parts of the said Rates, as are liable to pay such Interest so due and unpaid as aforesaid; and the Money so to be received by such Person or Persons so appointed as aforesaid, is hereby declared to be so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due until the same, together with the Costs and Charges of recovering and receiving the said Rates, shall be fully satisfied and paid; and after such Interest and Costs shall be paid and satisfied, the Power and Authority of such Receiver or Receivers for the Purposes aforesaid, shall cease and determine, or otherwise, the said Interest so due and unpaid as aforesaid shall be sued for and recovered with Costs, by Action of Debt or any other Form of Action, in any of His Majesty's Courts of Record at *Westminster*.

Rates to be taken.

LVII. And be it further enacted, That in consideration of the great Charges and Expences which the said Company of Proprietors will be at in making and completing the said Towing Path and other Works hereby authorized to be made and erected, and in maintaining and keeping the same in proper Repair and Order, it shall be lawful for the said Company of Proprietors, from Time to Time and at all Times hereafter, to ask, demand, take and recover to and for their own proper Use and Benefit, for hauling or drawing with Horses or other Beasts any Boat, Barge or other Vessel navigating on the said River, within the Limits of the said intended Improvements, such Rates and Duties as the said Company of Proprietors shall think fit, not exceeding the Rates and Duties hereinafter mentioned: that is to say,

Rates.

For every Horse or other Beast passing on any Part of the said Road or Towing Path, and drawing any Boat, Barge or other Vessel navigating on the said River, any Sum not exceeding One Shilling per Mile, for every Mile such Horse or other Beast shall so pass on such Road or Towing Path, upward or downward: And,

For every Horse or other Beast so passing on any Part of the said Road or Towing Path, and drawing as aforesaid, for any less Distance than a Mile, any Sum not exceeding One Shilling, upward or downward.

LVIII. And be it further enacted, That the said Tolls, Rates and Duties hereby granted, shall be vested in the said Company of Proprietors, and shall be paid to such Person or Persons, at such Place or Places near to the said River, in such Manner and under such Regulations as the said Company of Proprietors shall from Time to Time direct and appoint; and in case any Person or Persons having the Care of any Boat or Vessel navigating upon the said River, shall refuse or neglect to pay the said Tolls, Rates and Duties, or any Part thereof, upon Demand, to such Person or Persons so to be appointed as aforesaid, the said Company of Proprietors shall and may sue for and recover the same, with full Costs of Suit, either against the Owner or against the Person having the Care of any such Boat or Vessel, by Action of Debt or on the Case, or any other Form of Action, in any Court of Record; or the Person or Persons so to be appointed to receive the said Tolls, Rates and Duties may, and he and they is and are hereby empowered to seize any Boat, Barge or Vessel for which the said Tolls, Rates and Duties ought to be paid, and to detain the same until the said Tolls, Rates and Duties shall be satisfied and paid; and in case such Tolls, Rates or Duties shall not be paid within the Space of Five Days next after such Seizure and Detention made, it shall be lawful for the said Company of Proprietors, or the Person or Persons so making such Seizure, to sell such Boats, Barges or Vessels, and thereout retain the Tolls, Rates and Duties which shall be due as aforesaid, with the reasonable Charges of such Seizure and Distress, rendering the Overplus (if any) on Demand to the Owners thereof, after the said Tolls, Rates, Duties and Charges shall be deducted, satisfied and paid; and in case of any Arrears of Tolls, Rates and Duties, it shall be lawful for the said Person and Persons so to be appointed as aforesaid to receive the Tolls, Rates and Duties, to seize and distrain any Goods, Wares, Merchandize or Tackle on Board such Boat, Barge or Vessel on any future Voyage, being the Property of the Owner of such Boat, Barge or Vessel, from which such Arrears of Tolls, Rates and Duties may be due, and for want of a sufficient Distress, then to detain such Boat, Barge or Vessel until such Arrears be satisfied and paid; and in case such Arrears shall not be paid within Five Days next after such Seizure made, it shall be lawful for the said Company of Proprietors, or the Person or Persons so making such Seizure, to sell such Goods, Wares, Merchandize or Tackle or a sufficient Part thereof, or the said Boat, Barge or Vessel so detained, and thereout retain the said Arrears and the Costs of such Sale, rendering the Overplus (if any there be) to the Owner of such Boat, Barge or Vessel, provided that no such Seizure and Distress as aforesaid for Arrears of Tolls, Rates and Duties be made, to detain or hinder the Conveyance of Goods, Wares and Merchandize that may be on Board such Boat, Barge or Vessel, belonging to any other Person or Persons than the Owner or Owners of such Boat, Barge or Vessel.

LIX. Provided always, and be it further enacted, That it shall be lawful for the said Company of Proprietors at their General Meeting, by a Majority of Two-thirds in Number of Shares, from Time to Time to lessen all or any of the said Tolls, Rates or Duties hereby granted, as they shall think proper, and afterwards to advance the same respectively to any Sum

[Loc. & Per.]

36 U

or

Method of
recovering
Tolls.

Tolls may be
lessened.

or Sums of Money not exceeding the said Tolls, Rates and Duties by this Act empowered to be taken.

Tolls may be let.

LX. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby empowered at any of their Meetings, upon Twenty-one Days' Notice in Writing, signed by their Clerk, being affixed on all and every the Toll-houses to be erected by virtue of this Act, to let or farm the Tolls to be collected by virtue thereof or any Part or Parts thereof, to any Person or Persons, at and for the largest Yearly or other Rent or Sum that can be reasonably got for the same; provided, that the Leases, Contracts or Agreements of or for the same be in Writing, and be duly executed by the Person or Persons taking or farming such Tolls, and also by any Three or more of the said Committee; but the same shall not be let for more than Seven Years at any one Time; and the Rent which shall be agreed to be paid for the said Tolls shall be made payable and shall be paid to the Treasurer of the said Company, so as that Payment of such Rents shall always be in advance, or sufficient Security shall be given for the Payment of such Rent to the Satisfaction of the said Committee; or in Default thereof, every such Lease, Contract or Agreement shall be null and void to all Intents and Purposes whatsoever.

Lessees or Persons appointed by them may collect the Tolls.

LXI. And be it further enacted, That during such Times as the said Tolls, or any Part or Parts thereof, shall be leased, demised or in farm to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he, she or they shall by Writing or Writings under his, her or their Hand or Hands authorize or appoint, to demand and take the said Tolls so leased, demised or farmed, and the said Tolls shall be taken, received, distrained for and recovered by the said Lessee or Lessees, Farmer or Farmers thereof, or by the Person or Persons so appointed by him, her or them, in the same Manner and with the like Powers and Remedies for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Committee can or may, or is hereby authorized and empowered to demand, take and recover the same; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, shall be subject to the like Pains, Penalties and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Committee is subject or liable to.

Toll Houses to be erected on the Lands of the late John Stone, Esquire, and of the Rev. Joseph Martin.

LXII. Provided always, and be it further enacted, That the said Company of Proprietors shall, and they are hereby required to erect and build, or cause to be erected and built, a Toll-House on or near to the North Corner of a certain Meadow called *Cow Leasow*, situate in the Parish of *Hasfield*, in the said County of *Gloucester*, belonging to the Trustees or Devises in the Will of the late *John Stone* Esquire; and also another Toll-House on or near to the South Corner of a certain Meadow called *Quay Meadow*, in the Parish of *Asbelworth*, in the said County of *Gloucester*, belonging to the said *William Hayward Winston*, and near or adjoining to *Asbelworth Ferry*; and also another Toll-House on or near to the South-west Corner of a Piece of Meadow Ground belonging to the Reverend *Joseph Martin*, in a Common Meadow called the *Ham*, in the Parish

Parish of *Upton-upon-Severn*, in the said County of *Worcester*, and that the same Toll-Houses, when erected and built, shall from thenceforth for ever be severally vested in the Owners or Proprietors of the said Lands or Grounds on which the same shall be erected and built, according to their respective Rights and Interests therein, for the Use of the said Company of Proprietors, and shall be for ever thereafter maintained and repaired at their Expence.

LXIII. And be it further enacted, That from and after Six Months from the Completion of the said Towing Path, the Owner or Owners of every Boat, Barge or other Vessel (except Pleasure Boats) passing upon the said River or any Part thereof, between *Worcester* Bridge and the *Lower Parting* aforesaid, and hauled by any Horse or Horses, or other Beast or Beasts, shall cause his, her or their Name or Names and respective Places of Abode to be set at full Length in white Letters upon a black or dark Ground, such Letters to be Four Inches long and of a proportionable Breadth, and placed upon some conspicuous Part on each of the Outsides of the said Boats, Barges or other Vessels, higher than the same shall sink into the Water when full laden, and to be kept at all Times plain and legible; and the Owner or Owners of every Horse or other Beast used in hauling any such Boat, Barge or other Vessel, shall cause the Name of the Master or Owner of every such Horse or other Beast whilst drawing or hauling, to be set in large capital Letters on the Collar or some conspicuous Part of the Geers or Furniture of such Horse or Beast; and in case any Boat, Barge or other Vessel (except as aforesaid) shall at any Time after the said Time or Period of Six Months be navigated upon the said River, between *Worcester* Bridge and the *Lower Parting* aforesaid, or any Part thereof, not having the Name or Names of the Owner or Owners thereof as aforesaid, and also their respective Places of Abode placed and set on each Side of the Outsides of such Boat, Barge or other Vessel as aforesaid, and kept plain and legible according to the true Intent and Meaning of this Act; or in case any Horse or other Beast shall at any Time be used in hauling in the said Towing Path, not having the Name or Names of the Owner or Owners thereof as aforesaid set on the Collar or some conspicuous Part of the Geers or Furniture of such Horse or other Beast, or if any Master, Owner or other Person shall cover or conceal the same or any of them, or use any Means whatever to prevent any Person reading the same, every Person offending in any of the Cases aforesaid, and being thereof convicted before One or more of His Majesty's Justices of the Peace for the County, City or Place where the Offence shall be committed, or the Offender or Offenders reside, either upon his own Confession or upon the Oath or Oaths of One or more credible Witness or Witnesses (which Oath such Justice or Justices is and are hereby empowered to administer), shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Five Pounds to be levied off the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice or Justices, returning the Overplus (if any be) after deducting the Charges and Sale, to the Owner or Owners of such Goods and Chattels upon Demand.

LXIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to obstruct, hinder, or prevent Vessels navigating on the said River *Severn* from being hauled by Men only, in like Manner

Vessels to be marked.

Vessels may be hauled by Men without being subject to Toll.

Manner as heretofore used and accustomed on either Side, without being subject or liable to the Payment of any of the Tolls or Duties hereby granted.

Company to
make Drains,
Bridges, &c.

LXV. And be it further enacted, That the said Company of Proprietors shall and are hereby required, at their own proper Costs and Charges, to make or cause to be made such Tunnels, Culverts, Drains or other Passages across or under the said Towing Path into the said River where necessary, of such Depth and Breadth as shall be sufficient at all Times to convey the Water from the Lands adjoining or lying near to the said River; and that all such Tunnels, Culverts, Drains and Passages to be made by virtue of this Act, shall from Time to Time be supported, maintained and kept in good and sufficient Repair by the said Company; and if at any Time or Times after Twenty-one Days' previous Notice shall be given by or on Behalf of any Owner or Occupier, Owners or Occupiers of the said adjacent Lands, who shall find him, her or themselves aggrieved by the Obstruction of any such Water-course, to the said Company, or any known Agent or Agents of the said Company for the Time being, and the said Tunnels, Culverts, Drains or other Passages shall not be made, cleansed, repaired and maintained according to the Intent and Meaning of this Act, it shall be lawful for any Person or Persons having an Order in Writing from any Two Justices of the Peace acting for the said County of *Worcester* or *Gloucester*, where the same shall be situate or be, from Time to Time as often as there shall be Occasion, to make, open, cleanse and repair such Tunnels, Culverts, Drains or other Passages, and the reasonable Expences thereof, to be ascertained by the said Justices, shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy the same within Thirty Days after Demand thereof made upon them, or any Six of them, or upon their known Agent or Agents, such Expences shall and may, by Warrant under the Hands and Seals of the said Justices, be levied and recovered from the said Company of Proprietors, or their Treasurer, by Distress and Sale of the Goods and Chattels of the said Company, or of their Treasurer, with all Costs and Charges attending such Distress and Sale.

Company to
erect Moor-
ing Posts.

LXVI. And be it further enacted, That in order to prevent the Injury and Damage which may be done to the Lands on the Banks of the said River, by casting out and fixing Anchors thereon for the Purpose of mooring Vessels, the said Company shall, and are hereby required to erect and set up, and continue proper and convenient Mooring Posts in all such Places in the Lands on the Banks of the said River through which the said Towing Path shall be made, and lying within the Distance of Half a Mile of *Gloucester Westgate* Bridge and the *Lower Parting* aforesaid, to and on which they shall have free Access at each End thereof, as any Owner or Occupier of any such Lands shall from Time to Time require or direct; but that no Mooring Post shall be erected or set up, nor any Trow, Barge, Boat or other Vessel moored, stayed or fastened within the Distance of Fifty Yards from the Bridge authorized to be made under or by virtue of the Act lately passed, intituled, *An Act for taking down and rebuilding the Bridge across the River Severn at Gloucester, called the Westgate Bridge, and for opening convenient Avenues thereto*, or any or either of them, on either Side thereof, without the Consent of the Trustees therein named and appointed, or any Five or more of them, in Writing under their Hands first had and obtained.

LXVII. And

LXVII. And be it further enacted, That in case any Person or Persons shall at any Time or Times cast or fix any Anchor or Anchors in any Piece of Land or Ground adjoining the said River, in which any Mooring Post or Posts now or hereafter shall be set up or fixed, either by the said Company or any Owner or Occupier of such Lands, every Person so offending shall, for every such Offence, forfeit and pay to the Owner or Occupier of the Land in which the said Anchor or Anchors shall be cast or fixed any Sum not exceeding Five Shillings, at the Discretion of the Justice before whom such Offender shall be convicted; and if such Offender or Offenders (not being the Owner or Owners of the Vessels to whom such Anchor or Anchors shall belong) cannot be found or discovered, so as to be summoned and brought before a Justice of the Peace to answer such Offence, that then, and in every such Case, the Owner or Owners of the Vessel to whom such Anchor or Anchors shall belong shall pay the Money directed to be paid by the Justice for every such Offence so committed as aforesaid.

Penalty on Persons casting out Anchors in any Lands where Mooring Posts are set up.

LXVIII. And be it further enacted, That the said Company of Proprietors shall and may keep a Ferry Boat or Ferry Boats, at or near to *Asbelworth*, in the County of *Gloucester*, or any other more convenient Place or Places, and moor the same to the Posts to be set up by the said Company for that Purpose on the Banks thereof, which said Ferry Boat or Ferry Boats shall be used for the Purpose of conveying the Horses or other Beasts drawing or hauling any Boat, Barge or other Vessel on the said Towing Path or Road, and the Men attending them across the said River, from one Part of the said Towing Path or Road to the other, and that such Horses or other Beasts, and the Men attending them, shall and may 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 Boat or Ferry Boats, and shall and may land on the opposite Side, or as near as may be to the Road there set out by the said Company for the Purposes of this Act, for which full Satisfaction shall be made to the respective Owners or Occupiers of the Land, such Satisfaction to be ascertained and recovered by the same Ways and Means as a Recompence and Satisfaction for the said Road or Towing Path are by this Act directed to be ascertained and recovered.

Company to keep Ferries for carrying over the Draft Horses and Drivers, &c.

LXIX. And be it further enacted, That the said Company of Proprietors shall and may erect and build any House or Houses, Stable or Stables, or other Buildings, on the Banks of or near to the said River, for the Purposes of collecting the Tolls hereby granted, and for the Use of the Ferries hereby authorized to be made and kept, making full Satisfaction as aforesaid for the same; and the said Company may at their own Expence provide and keep Horses or other Beasts to let out for hire for the Purpose of hauling Boats, Barges or other Vessels on the said River: Provided always, that nothing herein contained shall authorize or empower the said Company to erect or set up any House, Stable or other Building or Erection on any of the Lands lying at any Place within the Limits of the said City of *Gloucester*.

Company may build Houses and Stables for Collectors of the Tolls, and for the Use of the Ferries.

LXX. And be it further enacted, That if any Person or Persons shall wilfully and to the Prejudice of the said Towing Path or of the Lands adjoining, break, throw down, damage or destroy any Gate, Style, Bridge, Bank

Penalty on Persons obstructing the Works.

Bank or other Work erected or made, or to be erected or made by virtue of this Act, or shall wilfully or maliciously leave or cause to be left open any Gate or Wicket, or otherwise do any Hurt or Mischief to, or obstruct, insult, molest, hinder or prevent any Person or Persons employed in carrying on, completing, supporting or maintaining the said intended Towing Path or any Works by this Act authorized to be made, or shall injure or obstruct any Horse or other Beast employed or used in hauling or drawing Boats, Barges, Trows and other Vessels upon the said River, or which shall be going to haul or draw any Boat, Barge, Trow or other Vessel, or shall be returning after having been employed in drawing the same, every Person or Persons so offending in any of the said Cases shall forfeit any Sum not exceeding Five Pounds.

Penalty on Masters of Vessels and others not giving Way to Vessels being drawn with Horses, &c.

LXXI. And be it further enacted, That if the Master or other Person having the Care of any Vessel lying at Anchor or moored at any Quay, Wharf or other Place on the said River, other than and except at any Quay or Wharf within or belonging to the said City of Gloucester, shall neglect or refuse to lay down the Mast of such Vessel, or to remove to the opposite Side of the said River on the Approach of any other Vessel hauled by Horses or other Beasts, so as to permit every such Vessel so hauled to pass freely and without Interruption along the said River; or in case any Person or Persons allowed to make Use of the said Road or Towing Path, shall neglect or refuse to give Way to the Horses or Beasts employed in hauling any Boat, Barge or other Vessel, or shall wilfully suffer his or their Horses or Cattle to stop or interrupt the Horses or Beasts employed in hauling any Boat, Barge or other Vessel, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five 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, shall be liable to the like Penalties and Forfeitures, for any Trespas or Neglect hereinbefore specified, as Owners and Drivers of Horses employed in hauling Boats, Barges or other Vessels as aforesaid, are subject and liable to by virtue of this Act.

Penalty on Persons wilfully injuring Vessels.

LXXII. And be it further enacted, That if any Person or Persons shall wilfully cut the Cable or Cables, or the Rope or Ropes of any Ferry Boat or Ferry Boats to be built and set up under the Direction of this Act, within the District of the said Road or Towing Path, or shall loose or unmoor, turn adrift, wilfully cut, spoil, destroy or injure any such Ferry Boat, or any of the Masts, Cables, Ropes or other Tackle or Materials of or belonging to any such Boat, every such Person or Persons so offending in any or either of the said Cases, shall forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Persons hauling, &c. for Trespas, &c. in permitting Horses to go off the Road, &c.

LXXIII. And be it further enacted, That in case the Driver or any Person or Persons employed in the hauling of any Boat, Barge or other Vessel upon the said River *Severn*, shall permit or suffer any Horse or other Beast used in the hauling of any such Boat, Barge or other Vessel, to trespass upon the Lands or Grounds adjoining or near to the said Towing Path, except when rendered unavoidable by Floods or high Waters, or if any Person or Persons using such Towing Paths, shall leave any or either of the Gates upon such Towing Path open, after having passed through the

the same, or shall permit or suffer any Horse or other Beast to be loose upon the said Towing Path, without some Person being with such Horse or other Beast, to take care of and prevent its straying or trespassing upon the Lands adjoining, or shall commit any wilful Trespass or Damage whatsoever in any Lands or Grounds adjoining or lying near to the said River; every such Person, or the Owner or Master of every such Horse or Beast (at the Election of the Party injured) shall for every such Act, Default, or Neglect, upon Conviction of such Person or Persons before any Justice of the Peace of the County or Place wherein the Offence shall be committed, or the Offender, or the Owners or Master of such Boat, Barge or other Vessel shall be and reside, either by the Confession of the Party or Parties offending, or upon the Oath or Oaths of one or more credible Witnesses or Witnesses (which Oath or Oaths such Justice is hereby empowered and required to administer), pay to the Person or Persons injured the full Damages to be ascertained by such Justice; and shall also, over and above such Damages, forfeit and pay to the Informer any Sum of Money not exceeding Forty Shillings, and all Costs, Charges, and Expences attending such Conviction; which Damages, Penalty and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or upon the Goods and Chattels of the Owner or Master of such Horse or Beast, at the Election of the Party injured, by Warrant or Warrants under the Hand and Seal of such Justice; and the Overplus (if any after such Damages, Penalty and Costs, and the Charges of such Distress and Sale are deducted) shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; and in case sufficient Distress shall not be found, and such Damages, Penalty and Costs shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for such County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Damages, Penalty and Costs and all reasonable Charges shall be sooner paid and satisfied.

Penalties show recovered.

LXXIV. And be it further enacted, That in case any Horse or other Beast used in hauling any Boat, Barge or other Vessel shall, whilst used in hauling or at any other Time, be found grazing in or trespassing upon any of the Lands or Grounds adjoining or near to the said River, and not belonging to or without the Leave of the Occupier of such Lands or Grounds, the Owner or Owners of every such Horse or other Beast, shall forfeit and pay to the Occupier or Occupiers of such Land any Sum not exceeding Forty Shillings, and it shall be lawful for such Occupier or Occupiers to take, seize, detain and impound, and to keep such Horse or other Beast, or Horses or other Beasts, until such Penalty and the Costs and Charges attending such Distress, be fully paid and satisfied; and in case such Penalty, Costs and Charges shall not be paid within Five Days after such Distress made, then such Occupier or Occupiers shall and may sell and dispose of such Horse or other Beast, Horses or other Beasts, to and for his, her and their own Use, or otherwise may recover such Penalty against the Owner or Owners of such Horse or Horses, or other Beast or Beasts, by Action at Law in any of His Majesty's Courts of Record at Westminster, with full Costs of Suit.

Penalty on Owners of Horses, &c. found grazing on Lands adjoining the River.

LXXV. And

Master to recover back from Servants any Sums paid for their Neglects or Defaults.

LXXV. And be it further enacted, That in case the Owner or Owners of any Boat, Barge or other Vessel navigating on the said River, or of any Horse or other Beast used in hauling or drawing any such Boat, Barge or other Vessel, shall be compelled to pay any Penalty, or make Satisfaction for any Damages by reason of any Act done or committed by his, her or their Servant, such Servant shall be liable to repay such Penalty to such Owner or Owners; and in case of Non-payment upon Demand thereof, and upon Oath made by such Owner or Owners of the Payment by him, her or them of such Penalty or Satisfaction, and that the same hath not been repaid to him, her or them by such Servant, although demanded (such Oath to be made before any one Justice of the Peace of the County, City or Place where such Penalty or Satisfaction shall have been recovered) the same Penalty or Satisfaction shall be levied and recovered by a Warrant under the Hand and Seal of such Justice, 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 and Satisfaction, when recovered, shall be paid to such Owner or Owners in Discharge of such Penalty and Satisfaction so by him, her or them paid for the Act or Default of such Servant as aforesaid; and in case no sufficient Distress can be had, such Justice shall and is hereby required to commit such Servant to the Common Gaol or House of Correction of the County or City in which such Act or Default shall have been committed as aforesaid, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalty shall be sooner paid and satisfied.

Company required to raise the Wall of the Rev. Joseph Shapland.

LXXVI. And whereas in forming the said Towing Path, it may be necessary to raise the Ground under the Garden Wall now belonging to the Reverend Joseph Shapland, situate at Diglis, in the Parish of Saint Peter the Great in the County of Worcester; be it therefore enacted, That the said Company of Proprietors shall, and they are hereby required, in case they shall, in forming the said Towing Path, raise the Ground under the Garden Wall of the said Joseph Shapland, in any Part higher than Seven Feet below the Top of the said Wall, forthwith raise or cause to be erected and raised the said Wall equal and in proportion to the Ground so raised, in order that the said Wall shall be of the full Height of Seven Feet from the Top to the Bottom thereof; and that the Materials used for raising the said Wall shall be of the like Materials to those with which the said Wall is now constructed and built; and that all Costs and Expences attendant thereon shall be borne by the said Company, and be paid by their Treasurer to the said Joseph Shapland, on Demand, if required: Provided that nothing herein contained shall authorize or empower the said Company to raise the said Towing Path or the said Wall higher than two Feet above the present Height thereof, nor to encroach on the said Garden of the said Joseph Shapland, or upon any Part thereof, or to prejudice or in anywise damage or injure the Boundary or Fences of the said Garden; nor to trespass upon or go over the Land of the said Joseph Shapland adjoining or near thereto, in Floods or high Waters, or at any other Time in any other Place or Places whatsoever, except over and across such Parts of the said Land along and through which the said Towing Path is hereby authorized to be made; nor shall any Thing herein contained authorize or empower the said Company of Proprietors, or any other Person or Persons whomsoever, to raise the Ground over which the said Towing Path

Path is hereby authorized to be made, or any Part thereof, at or near to the Buildings and Premises belonging to the Palace of the Lord Bishop of *Worcester* for the Time being, and the Precincts of the Cathedral Church of *Worcester*; or either of them, so high as not to leave the present Wall, bounding the said Buildings and Premises, Fourteen Feet higher in the lowest Part thereof than the Top or Level of the said Towing Path; nor to injure or damage the said Palace or Precincts in any other respect whatsoever.

LXXVII. And be it further enacted, That all Fines, Penalties and Forfeitures hereby inflicted, or hereby authorized to be imposed, or which shall be inflicted or imposed by virtue of any Rule, Order or Bye-Law to be made in pursuance of this Act (of which Rule, Order and Bye-Law when produced, all Justices are hereby required to take Notice), the Manner of levying or recovering whereof is not otherwise hereby particularly directed, shall, upon Proof of the Offences respectively before any Justice of the Peace for the County or Place wherein the Offence shall be committed, or the Offender or Offenders shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of one or more credible Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer), be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending or liable to pay the same, by Warrant or Warrants under the Hand and Seal of such Justice; and the Overplus, after such Fines, Penalties and Forfeitures, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels, and the Monies arising from such Fines, Penalties and Forfeitures when so recovered, shall be (if not otherwise directed to be applied by this Act) paid into the Hands of the said Treasurer, to be applied and disposed of for the Use of the said Undertaking, and to and for no other Use, Intent or Purpose whatsoever; and in case sufficient Distress should not be found, and such Fines, 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 or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Fines, Penalties and Forfeitures and all reasonable Charges shall be sooner paid and satisfied.

Manner of recovering and Appropriation of Penalties.

LXXVIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen: *videlicet*,

Form of Conviction.

‘ **BE** it remembered, That on the _____ Day of _____ in
 ‘ the Year of our Lord
 ‘ *A. B.* is convicted before me *C. D.* one of His Majesty’s Justices of the
 ‘ Peace for the _____ [specifying
 ‘ the Offence, and Time and Place when and where the same was com-
 ‘ mitted,
 [Loc. & Per.] 36 Y—Z

mitted, as the Case shall be]. Given under my Hand and Seal the Day and Year aforesaid.

Distress not
unlawful for
want of Form.

LXXIX. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Party distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case at Common Law.

Persons ag-
grieved may
appeal to
Quarter Ses-
sions.

LXXX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Rule, Regulation Bye-Law, Judgment, Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, then, and in every such Case, such Person or Persons may within Three Calendar Months next after such Judgment, Order or Determination shall have been made or given, appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to be held in and for the County, City or Place where the Cause of Appeal shall arise, first giving Fourteen Days Notice of such Appeal to the Person or Persons appealed against, and of the Nature and Matter thereof, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County, City or Place, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices shall, in a summary Way, either hear or determine the said Appeal at such General or Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the said County, City or Place; and the said Justices may make such Determination in such Appeals, and award such Costs to either of the Parties as they shall judge proper; and the said Justices may, if they see Cause, mitigate any Fine or Forfeiture, and may order any Money to be returned which may have been levied in pursuance of such Rule, Bye-Law, Order or Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall judge reasonable; and such Order and Determination of the said Justices at the said General or Quarter Sessions shall be final and conclusive upon all the Parties, and shall not be removed or removable by *Certiorari* or other Process into any of His Majesty's Courts of Record at *Westminster*.

All Actions
to be com-
menced with-
in Six
Months.

LXXXI. And be it further enacted, That if any Action, Suit or Information shall be brought or commenced against any Person or Persons for any Thing done or to be done in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Directions hereinbefore given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact committed; or in case there shall be a Continuance of Damages, within Six

Calendar

Calendar Months next after the doing or committing such Damages shall cease, and not afterwards, and shall be laid and brought in the County, City or Place where the Matter or Dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Actions shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County, City or Place than as aforesaid, then, and in such Case, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonfuit, or suffer a Discontinuance of his, her or their Action, Suit or Information after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon a Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

LXXXII. Provided always, and be it further enacted, That nothing in this Act shall extend or be construed to extend to empower the said Company to make the said intended Towing Path or other Works into, through, across, upon or over any Part of the Land or Meadow called the *Pen Meadow*, situate near to and adjoining the *Westgate* Bridge aforesaid, nor to have or use any Way or Passage in, along or through the same (except as hereinafter is mentioned) nor to make the said intended Towing Path or other Works into, through, across, upon or over any Land or Ground between the said Bridge and the said Place called the *Lower Parting*, situate on the East or South-east Side of the said River *Severn*; nor to alter, diminish or prejudice any Right or Rights of the Mayor and Burgessees of the City of *Gloucester*, in the County of the City of *Gloucester*, (being the Corporation of the said City) in or to any Tolls, Dues, Duties or Customs to which they are entitled by Charter, Prescription or otherwise; nor the Right or Rights of any Lord or Lords of any Manor or Manors, or of any Land Owners of, in or to the Fishery of the said River, but that all and every such Right and Rights shall remain in the same Manner as before the passing of this Act: Provided nevertheless, that it shall and may be lawful for the said Company, by themselves, their Servants and Horses, into, through, across and over the said Meadow, called *Pen Meadow*, to have, use and enjoy a Right of Way and Passage (to be ascertained, altered and varied from Time to Time by and at the Will of the said Mayor and Burgessees, the Owners and Proprietors thereof,) for the more convenient passing and repassing to and from the said Towing Path and other Works, upon Payment to the said Mayor and Burgessees, of an annual Sum of Five Pounds, as a Recompence and Compensation for the same, any Thing herein to the contrary notwithstanding.

Towing Path not to go over Pen Meadow, near Gloucester;

nor to prejudice Tolls, &c. of Mayor and Burgessees of Gloucester; nor the Right of Fisheries belonging to the Lords of Manors or Land Owners.

Right of Way and Passage reserved over Pen Meadow.

LXXXIII. Provided further, and be it also enacted, That the said Company shall, and they are hereby required from Time to Time, and at all Times for ever hereafter, at their own proper Costs and Charges, to erect and maintain a Gate or Gates of the Height of Five Feet at each End of the

Gate to be erected.

the said lastmentioned Way and Passage, and to keep the same locked, so as to prevent Escapes or Trespasses by Cattle.

Public Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1811.