



ANNO QUADRAGESIMO TERTIO

GEORGI III. REGIS.

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*Cap. 129.*

An Act for extending and making the Horse Towing Path or Road, on the Banks of the River *Severn*, from *Bewdley Bridge* in the County of *Worcester*, to the deep Water at *Diglis* below the City of *Worcester*. [27th July 1803.]

WHEREAS a Towing Path or Road has been made for haling and drawing of Vessels with Horses along the Banks of the River *Severn*, from a Place called *Meadow Wharf*, at *Coalbrook Dale* in the County of *Salop*, to *Bewdley Bridge* in the County of *Worcester*, and the Navigation of the said River has been greatly benefited thereby: And whereas Boats, Barges, and other Vessels navigating on the said River between *Bewdley Bridge* aforesaid, and *Diglis* below the City of *Worcester*, are haled by Men only, which is attended with great Expence, Uncertainty, and Delay; but if Power was given to hale the same with Horses or other Beasts, and to extend the Horse Towing Path from its present Termination at or near *Bewdley Bridge* aforesaid, to *Diglis* below the said City of *Worcester*, the Navigation of the said River would be attended with greater Expedition, Certainty, and Convenience, and be carried on at less Expence: And whereas the several Persons hereinafter named are willing and desirous, at their own proper Costs and

[*Loc. & Per.*]

27 A

Charges

Company.

Charges, to make and maintain such Extension of Road or Towing Path from *Bewdley Bridge* to *Diglis* aforesaid; but the same cannot be effectually carried into Execution without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Thomas Farley, Archibald Duncan, Thomas Lees, John Turner, Joseph Lingham, William Payne, William Hill, John Bradley, John Lewis, Thomas Freame, John Dillon, William Hopkins, William Thorn, George Belsham, John Reynolds, Richard Jukes, Jonathan Wortbington, Jonathan Wortbington the younger, Samuel Barnet, Robert Mules, Samuel Danks, Hicken Bold, John Yates the elder, William Devey, Samuel Jones, Henry Jones, Thomas Nevitt, William Yates of Stourport, William Davis, Francis Whaley, William Walker, Timothy Smith, Robert Samuel Skey, Joseph Gibbins, Thomas Hill, Lovell, Francis Rufford, Thomas Biggs, John Yates the younger, William Yates of Madeley, Richard Crump, Richard Tolley, Margaret Smith*, and their several and respective Successors, Executors, Administrators, and Assigns, are and shall be united into a Company for the better carrying on, extending, improving, completing, and maintaining a Road, Passage, or Towing Path, for haling or drawing with Horses or other Beasts, any Boats, Barges, or other Vessels navigating on the said River between *Bewdley Bridge* and the deep Water at or near *Diglis* below *Worcester*, and shall for that Purpose be One Body Politick and Corporate, by the Name of *The Company of Proprietors of the River Severn Horse Towing Path Extension*, and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued, and also shall and may have Power and Authority to purchase Lands, Tenements, or other Hereditaments, to them and their Successors and Assigns, for the Use of the said 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 also to sell all or any of the Lands or Tenements so purchased, for the Use of the said Towing Path and Works; and any Person or Persons, or Bodies Politick, Corporate, or Collegiate, may give, grant, bargain, sell, or convey to the said Company of Proprietors any Lands, Tenements, or Hereditaments, for the Use and Benefit of the said Undertaking, without Licence of Alienation in Mortmain.

Survey taken  
and a Plan  
and Book of  
Reference  
made.

Two Parts to  
be made and  
certified by  
the Speaker  
of the House  
of Commons.

II. And whereas a Survey has been taken, and a Plan or Map, and Book of Reference thereto, have been made in consequence of such Survey, through and over the several Lands or Grounds now or late belonging or reputed to belong to the several and respective Persons, and across or over such Roads, Rivers, and Brooks, as are particularly mentioned and described in the said Plan, and set forth in the said Book of Reference; be it therefore enacted and declared, That there shall be Two Parts made of the said Map or Plan and Book of Reference, which shall be certified by the Right Honourable the Speaker of the House of Commons, and severally kept by the Clerk of the Peace for the County of *Worcester*, 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



be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk for the Time being to the said Company, upon Seven 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:

III. And be it further enacted, That the said Company, in making the said Towing Path, shall not deviate from the Course or Direction in the said Map or Plan, and set forth in the said 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 Politick or Corporate, to whom such Estates, Lands, or Grounds, do or shall respectively belong.

Towing Path to be made pursuant to the Plan.

IV. Provided always, and be it further enacted and declared, That the said Company 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.

Land Owners being omitted in the Book of Reference, not to obstruct the making the Haling Path.

V. 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 haling 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 *Bewdley Bridge* aforesaid, and the deep Water at *Diglis* below *Worcester*; 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, and also to remove and take down all Gates, Rails, Stiles, Trees, Hedges, Bushes, Willows, Impediments, or other Obstructions, upon any Lands or Grounds adjoining to the Banks of the said River within the Limits aforesaid, which may anyways hinder or obstruct the haling 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, Wickers, Dropstiles, and Fences in or as near as conveniently may be to the same 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 haling Vessels as aforesaid, or returning along the said Roads (but subject nevertheless to the Restrictions herein-after mentioned); and also to erect and build Toll Houses, Stables, and other Conveniencies for the Use

The Manner in which the Improvements are to be made.

and



and Improvement of the said Towing Path and Concern; and also to erect and build any Bridge or Bridges, Culvert or Culverts, across any River or Rivers, Brook or Brooks, Ditch or Ditches, or other Places, for the better setting out, making, and improving the said Towing Path and 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 alter, repair, and amend the said Gates, Rails, Stiles, Wickets, Dropstiles, 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 Paths 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, 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 herein-after 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 herein-after mentioned to the Owners and Occupiers of and Persons interested in any Lands, Tenements, Meadows, 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, 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.

Breadth of  
Haling Path.

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 Four Yards in the straight Parts thereof, and in the crooked Parts thereof Six Yards; and the said Company shall cause such Towing Path or Road to be set out by Boundary Stones or Posts, as soon as conveniently may be after the passing of this Act; and within the Space of Two Years from the passing of this Act finish and complete the same.

Company to  
keep up the  
Banks of the  
River da-  
maged by the  
Towing Path.

VII. And be it further enacted, That the said Company 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 anyways injured or damaged by Means of making the said Towing Path or any of the Works hereby authorized to be made.

Company to  
fence off the  
Land from  
Towing Path  
if required so  
to do.

VIII. And be it further enacted, That in case any Land Owner shall be desirous of having his or her Land fenced off from the said Towing Path, and shall at any Time within the Space of Three Years next after the said Towing Path shall be made, give Notice in Writing to the said Company, requiring the same to be done, then the said Company shall,  
at



at their own Costs and Charges, within Six Calendar Months next after such Notice given, in a good and proper Manner fence off the same with Posts and Two Rails, according to the Notice so to be given; and where such Fences are required to be made, shall put up proper Gates in such Places as are necessary for the Convenience of the Landholders and their Cattle going to and from the said River for Water and all other Purposes, and that after such Fences are made the said Company shall, at their Costs and Charges, uphold and keep the same in good Order and Repair for the Term of Ten Years from the making thereof, and shall make and set up such Fences on the Land by the said Company to be set out and taken for the Purpose of the said Towing Path.

IX. And be it further enacted, That in all and every such Places upon the said Towing Path herein-before directed to be made, where it shall be necessary to make any Gates or Dropstiles for the Passage of Horses drawing or haling any Boat, Barge, or other Vessel upon the said River, or through the Fences crossing such Towing Path, the said Company, their Agents, Surveyors, Servants, or Workmen, are hereby required to make either Gates or Dropstiles 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 One Calendar Month 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, Watercourses, and Fences in the said Towing Path, as shall be necessary and convenient; and in case the said Company, their Agents, Surveyors, or Workmen, shall neglect or refuse to make such Gates or Dropstiles 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 either such Gates or Dropstiles upon such Towing Path, 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 or Dropstiles, Bridges, Tunnels, or Passages, or to do any necessary Repairs for the Preservation thereof; and such Owner and Owners, Occupier and 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.

Gates or Dropstiles to be made at the Option of the Owners or Occupiers;

and paid for by the Company.

X. 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 for the said County of *Worcester*, 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 shall be so adjudged by such Justice to be paid to such Owner or Owners, Occupier or Occupiers) shall be paid by such

In case of Neglect or Refusal, how the Expences shall be recovered.

[*Loc. & Per.*]

27 B

Treasurer;



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 in the Accounts of the said Treasurer, as so much Money paid by him for and on Behalf of the said Company of Proprietors.

Power for  
Occupiers of  
Land to  
fence out  
Towing Paths.

XI. 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.

Owners of  
Land may  
use the Tow-  
ing Path as a  
Driftway.

XII. 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, 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.

Lands may be  
entered to  
take Surveys,  
&c.

XIII. And be it further enacted, That it shall be lawful for the Agents, Servants, and Workmen of the said Company, from Time to Time to enter into and upon the Lands and Grounds of the several Persons, Bodies Politick, 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.

Bodies Poli-  
tick empow-  
ered to sell  
Land, &c.

XIV. And whereas it may be necessary for the said Company of Proprietors to purchase some 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 Conveniences, for the Collector or Collectors of the Tolls to be taken by virtue of this Act as herein-after mentioned; be it therefore further enacted, That it shall



shall be lawful for all Bodies Politick, or Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, 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 *C-stuique* Trusts, whether Infants, Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and to and for all other Persons whomsoever who are or shall be seised, possessed of, or interested in 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 herein-after mentioned, as shall be agreed upon between such Person or Persons, Bodies Politick 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 Politick, 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 Company shall be Parties, shall, at the Expence of the said Company, be inrolled with the Clerk of the Peace for the said County of *Worcester*, and the same, or 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 Eight-pence and no more for every One hundred Words, and so in Proportion for any greater or less Number of Words; and 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 of *Worcester*, 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

Differences  
and Compen-  
sations to be  
settled by  
Justices.

under



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 Politick, Corporate or Collegiate, Person or Persons respectively, who shall be entitled or interested as aforesaid, as and for a Satisfaction for any Damage done to or Trespass 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, or which may at any Time or Times hereafter be sustained by such Bodies Politick, 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, or for or by Means 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 or Owners, Occupier or Occupiers of, and Persons interested in any such Lands, Tenements, or Hereditaments as aforesaid; and if any such Body Politick, 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 Body Politick, 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 in Writing 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 Body Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of any 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 said County of *Worcester*; and in order thereto the said Justices shall and may, from Time to Time as Occasion shall require, summon 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

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.



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 Judgement, 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 Politick, 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 Warrant or Warrants to the Sheriff of the said County of *Worcester*, requiring him to summon, 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 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, or appearing refuse to be examined or to give Evidence, and which Fine or Fines shall be levied and applied in such Manner as other Penalties and Forfeitures are herein-after directed to be levied and applied, so that no such Fine be more than Ten Pounds nor less than Forty Shillings, on any One Person for One Offence.

For Want of  
Jurymen  
Standers-by  
procured.

Jurymen may  
be challeng-  
ed.

XV. 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 for any Damage to be done to any Lands, Grounds, 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,

By whom the  
Expences shall  
be paid.

[*Loc. & Per.*]

27 C



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, or for a less 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, 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, 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.

Persons requesting a Jury to enter into Bond to prosecute.

XVI. 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 of such Jury, first enter into 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.

Notice of Injury to be given to the Company before Complaint made to the Justices.

XVII. 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.

Directing the Application of Money paid for Compensation for Lands, etc. when exceeding 200l.

XVIII. 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, Lunatick, 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



the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase 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, and 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 mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time 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 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.

XIX. 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 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 to be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by 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 herein-before 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 not exceeding 200*l.*  
and above 20*l.*

XX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall

When less than 20*l.*

be



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.

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

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 such 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, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XXII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, 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 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.

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

XXIII. 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* 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 Damages shall be awarded; and the Money so to be received by such Person or Persons,



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 so to be assessed and awarded, which shall not be paid according to the Judgement of the said Justices as aforesaid, with Interest and Costs for the same as aforesaid, by Action at 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.

XXIV. 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 Days next after the same shall become due, and a 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 Rent or Rents, Sum or Sums shall be due and unpaid 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 and 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.

Yearly Rents to be chargeable on Rates;

or may be recovered at Law.

XXV. 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 of the Peace acting for the said County, 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 and 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

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

[*Loc. & Per.*]

27 D

used



used through or over his, her, or their Land, until all such Damages and Costs shall be fully paid and satisfied.

Decrees to  
be filed with  
the Clerk of  
the Peace.

XXVI. And be it further enacted, That all and every the Determinations of the said Justices, which shall be submitted to or acquiesced in by the Parties concerned, and also the said Verdicts and Judgements, being first signed by the Justices who shall be present at the making of such Determination, or the taking of such Verdicts, shall be transmitted by the said Justices to the Clerk of the Peace, to be by him kept amongst the Records of the Quarter Sessions of the Peace for the County of *Worcester*, and shall be deemed to be Records of the said Quarter Sessions to all Intents and Purposes; and the same, or a true Copy or Copies thereof, shall be allowed to be Evidence in all Courts whatsoever, and that all Persons may have Recourse to the same at all convenient Times, and may inspect the same and take Copies, paying for every such Inspection the Sum of One Shilling, and for every Copy not exceeding One hundred Words the Sum of Eight-pence, and so proportionably for any greater or less Number of Words.

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

XXVII. 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 and 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 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 Politick, 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 Conveniencies, 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 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, Interest, 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 Dowers of the Wife or Wives of such Person and Persons, and all Estates Tail in Reversion or Remainder, against the Issue or Issues of such Person and 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.

XXVIII. And



XXVIII. 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, Stile, Bridge, 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 haling or drawing Boats, Barges, Trows, and other Vessels upon the said River, or which shall be going to hale 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 nor less than Ten Shillings.

Penalty on Persons obstructing the Works.

XXIX. 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 hereby authorized to be made, provided that the said Sum do not exceed the Sum of Five thousand Pounds in the Whole (except as herein-after mentioned); and that the same be divided into such Number of Shares as herein-after directed, at a Price not exceeding Fifty Pounds *per* Share; and that no Person subscribing thereunto, or becoming a Proprietor in such Undertaking, do become a Proprietor of less than One Share or 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.

Proprietors may raise 5000 l. among themselves to carry on the Works.

No Person to have more than Ten Shares.

XXX. And be it further enacted, That the said Sum, or such Part thereof as shall be raised by the several Persons herein-before named, shall be divided into One hundred equal Parts or Shares, at a Price not exceeding Fifty Pounds *per* Share, and that the said One hundred 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 to be Personal Estate; and all and every the Bodies Politick and Corporate, and every Person and Persons, their several and respective Successors, Executors, Administrators and Assigns, who have already subscribed, or who shall

Money to be raised to be divided into 100 Shares.

To be deemed personal.



Proprietors to  
have a Vote  
for every  
Share.

shall severally subscribe and pay the Sum of Fifty 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 shall be completed, the entire and neat Distribution of One One 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 Politick, Person or Persons, having such Property of One One 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 publick Meeting or Assembly to be held as herein-after 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 Corporate or Politick, 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 Share of Fifty Pounds, for which he, she, or they, shall be a Subscriber or become a Proprietor as aforesaid; and whatever Question, Election of proper Officers, or other Matters or Things, shall be proposed, discussed, or considered, in any publick Assembly to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote for every Share; provided that no Person shall give or deliver more Proxies than for Ten absent Proprietors.

Power to raise  
more in case  
the first Sum  
shall be insuffi-  
cient.

XXXI. And be it further enacted, That in case the said Sum of Five thousand Pounds herein-before authorized to be raised, shall be found insufficient for the making, completing, and maintaining the said Towing Path and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereunto, then and in such Case and not otherwise, it shall be lawful for the said Company of Proprietors, their Successors, Executors, Administrators, and Assigns, to raise and contribute among themselves in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Works hereby authorized to be made, not exceeding the Sum of Six thousand Pounds; and every Subscriber towards raising such further or other Sum, shall have the like Vote by himself or his Proxy in respect of every such Share in the said additional Sum to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits and Powers of the said Improvement and Undertaking, proportionably to the Sum that he, she, or they, shall subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum hereby allowed to be subscribed for and raised, had originally been Part of the said Sum of Five thousand Pounds, any Thing herein contained to the contrary thereof in anywise notwithstanding;



ing; or it shall be lawful for the said Company, or the Committee for the Time being to be appointed by virtue of this Act, or any Five or more of such Committee, at any of their Meetings assembled, to borrow and take up at legal or less Interest, all or any Part of the said Sum of Six thousand Pounds on the Credit of the said Improvement and Undertaking, as to them shall seem meet and convenient; and they are hereby fully authorized and empowered to grant or assign over the said Undertaking and Premises, and the Tolls, Rates, and Duties, arising or to arise by virtue of this Act or any Part thereof (the Costs and Charges of assigning the same, to be paid out of such Tolls, Rates, and Duties), as a Security for any such Sum or Sums 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 Forty-third 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 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.

XXXII. And be it further enacted, That 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 Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors 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,

Entries of all Assignments to be made in Books.

Assignments may be transferred.



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,

Form of  
Transfer.

‘ I [or we] do hereby transfer a certain Mortgage, made by the Company  
‘ of Proprietors of the River *Severn* Horse Towing Path Extension,  
‘ 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

To be notified  
to Clerk and  
entered in  
same Book.

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 the Date, Names of the Parties, and the Sum of Money therein 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 Two Shillings and Sixpence, 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  
Dividends  
made.

XXXIII. 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.

Time ap-  
pointed for  
Meeting of  
Proprietors.

XXXIV. 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 *Stourport* Inn in the County 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 Nine nor less than Six 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.

A Committee  
to be chosen  
to manage the  
Affairs of the  
Company.

Treasurer and  
Clerk to be  
appointed.]

Committee to  
be chosen  
annually.

XXXV. 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 Three Calendar Months (or oftener if the said Committee shall find it necessary) at a Day, Hour, and Place, to be appointed,  
until



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 a reasonable Sum of Money out of the Capital Stock of the said Proprietors for their Expences in attending such Meeting.

XXXVI. 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.

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

XXXVII. 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.

Committee to make Reports of their Proceedings to General Assembly.

XXXVIII. 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 said 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 as 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, displacing Under Officers, Clerks, Servants, and Agents, 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 publick Newspaper or Newspapers circulating in the County of *Worcester*; and the

Committee to make Calls:

To be paid into the Hands of the Treasurer, and to be applied in the Works by the Committee.

Notice of Calls to be advertised, and also by Letter from the Clerk to

Clerk



each Proprietor.

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 of Law, or more than One Imparlance 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 Twenty Pounds for every Fifty 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, and 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.

Penalty on Persons not paying Calls pursuant to Notice.

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

XXXIX. 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 and 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.

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

XL. And be it further enacted, That the said Company of Proprietors shall always have 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-before 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,



ders, 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 Laws of that Part of the United Kingdom called *England*, or any Directions in this Act contained, but subject to Appeal in Manner herein-after mentioned.

XLI. 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 Life-time, 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 to sell and dispose of the Share or Shares of such deceased Owner or Owners, and pay and 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.

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

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

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

XLII. 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

Shares may be disposed of.



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 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 Two Shillings and Sixpence 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 Proprietor or Proprietors.

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

XLIII. 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 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 Vender 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.

XLIV. 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),

Form of Transfer of Shares.

‘ I *A. B.* of \_\_\_\_\_ in Consideration of  
 ‘ \_\_\_\_\_ paid to me by *C. D.* of  
 ‘ do hereby bargain, sell, and transfer to the said *C. D.* his 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 *Bewdley Bridge*  
 ‘ to the deep Water, at *Dighs* below the City of *Worcester*, to hold unto  
 ‘ and to the Use of the said *C. D.* his, her, or their Executors, Admi-  
 ‘ nistrators, 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 \_\_\_\_\_

No Business to be done at a Committee unless Three present. Treasurer not to issue Money without an Order from Committee.

XLV. And be it further enacted, That no Resolution shall be taken, or Business done at any of the Meetings of the said Committee, unless Five 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 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 Company's Books, and the Treasurer or Treasurers shall be allowed.



lowed 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 Committee, or any Three or more of them.

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

XLVI. And be it further enacted, That there shall be Two General Meetings of the Company of Proprietors held every Year, as near as may be Half-yearly, at *Stourport* in the County of *Worcester*, upon the Thirty-first Day of *March* and upon the Thirtieth Day of *September*, but in case either of those Days shall happen to be on a *Sunday*, then on the *Monday* immediately following, at which Times the Books of the said Committee shall be produced, and also the Treasurer's Accounts (the same being first passed by the Committee at their last Meeting); and the same Accounts shall be then free for the Inspection of all the Company of Proprietors.

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

XLVII. 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 haling 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 Improvement, such Rates and Duties as the said Company of Proprietors shall think fit, not exceeding the Rates and Duties herein-after mentioned; that is to say,

Rates to be taken.

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, the Sum of Sixpence per Mile for every Mile such Horse or other Beast shall so pass on such Road or Towing Path: And

Rates.

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, the Sum of Sixpence.

XLVIII. And be it further enacted, That the said Tolls, Rates, or 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 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, or 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, in any Court of Record; or the Person or Persons so to be appointed to receive the said Tolls,

Method of recovering Tolls.



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, or Duties ought to be paid, and to detain the same until the said Tolls, Rates, or 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, or 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, Merchandizes, 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.

Tolls may  
be lessened.

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

Vessels to be  
marked.

L. And be it further enacted, That, from and after the Twenty-fifth Day of *March* One thousand eight hundred and four, the Owner or Owners of every Boat, Barge, or other Vessel (except Pleasure Boats), passing upon the said River, or any Part thereof, between *Bewdley Bridge* and *Diglis* aforesaid, and haled 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 haling any such Boat, Barge, or other Vessel, shall cause

the



the Name of the Master or Owner of every such Horse or other Beast, whilst drawing or haling, 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 Twenty-fifth Day of *March* One thousand eight hundred and four, be navigated upon the said River, between *Bewdley Bridge* and *Diglis* 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 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 haling on 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 whatsoever 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 Witnesses 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 any Sum not exceeding Five Pounds nor less than Ten Shillings, to be levied of 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 of such Distress and Sale, to the Owner or Owners of such Goods and Chattels upon Demand.

LI. 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, or cause to be erected and set up and continued, 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 *Bewdley Bridge*, *Stourport Bridge*, and *Worcester Bridge*, or either of them, as any Owner or Occupier of any such Lands shall from Time to Time require or direct.

Company to  
erect Moor-  
ing Posts.

LII. 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 shall have been so set up or fixed, every Person so offending shall for every such Offence forfeit and pay to the Owner or Occupier of the Land in which such Anchor or Anchors shall be cast or fixed, any Sum not exceeding Twenty Shillings nor less than Two Shillings and Sixpence, at the Discretion of the Justice before whom such Offender shall be convicted; and if any such Offender or Offenders (not being the Owner or Owners of the Vessel

Penalty on  
Persons cast-  
ing out An-  
chors in any  
Lands where  
Mooring  
Posts are set  
up.



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 the Anchor or Anchors shall belong, shall pay the Money directed to be paid by the Justice for every such Offence so committed as aforesaid.

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

LIII. 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 the Places called *Redstone Rock* and *Painter's Roving*, adjoining or near to the said River, 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, 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 Waterside, in order to go on board such Ferry or Ferries, 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 and Occupiers of the Land, such Satisfaction to be ascertained and recovered by the same Ways and Means, as Recompence and Satisfaction for the said Road or Towing Path are by this Act directed to be ascertained and recovered.

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

LIV. And be it further enacted, That the said Company 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 haling 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, on any of the Lands lying on the Western Side of the said River, between a certain Place called *The Lax Lane* in *Bewdley* and *Redstone Rock*, or on the Eastern Side of the said River between *Redstone* and the Turnpike Road at *Holtfleet*, or between *Holtfleet Ferry* and *Painter's Roving*, without the Consent in Writing of the Owner of such Land.

No Action for involuntary Trespas, until Demand thereof made, &c.

Party may tender Amends.

LV. And be it further enacted, That no Action or Actions of Trespas 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 Trespas 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 Trespas, 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 Trespas are by Law empowered to do.

LVI. Provided



LVI. 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 from being haled by Men only, in like Manner as heretofore used and accustomed, without being subject or liable to the Payment of any of the Tolls or Duties hereby granted.

Vessels may be haled by Men without being subject to the Toll.

LVII. Provided also, and be it further enacted, That nothing herein contained shall give any Right or Title to the said Company in the Soil or Herbage of the Lands or Grounds herein-before 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, 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.

Saving the Right of Soil of Haling Path to Land Owners.

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

LVIII. And be it further enacted, That in case the Driver, or any Person or Persons employed in the haling of any Boat, Barge, or other Vessel, upon the said River, shall permit or suffer any Horse or other Beast used in the haling of any such Boat, Barge, or other Vessel, to trespass upon the Lands or Grounds adjoining or near to the said Towing Path; or if any Person or Persons using such Towing Path shall leave any or either of the Gates or Dropstiles upon such Towing Path open, after having passed through the same, or shall use any Horse or other Beast in the haling of any Boat, Barge, or other Vessel, without having a Muzzle on, or shall, after having haled such Boat, Barge, or other Vessel, return back with any Horse or other Beast without having a Muzzle on, along, across, or over the Lands or Grounds adjoining to the said Towing Path, not being the publick Highway, 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 whatever 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 such Offence shall be committed, or the Offender, or the Owner 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 Witness 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 not exceeding Forty Shillings nor less than Five 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

Penalty on Person haling, &c. and for Trespass, &c. in permitting Horses to go off the Road, etc. or to go unmuzzled.

Penalties how recoverable.

the



In Default of Payment, Offenders to be committed.

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.

Penalty on Horses, etc. found grazing on Lands adjoining the River.

LIX. And be it further enacted, That in case any Horse or other Beast used in haling any Boat, Barge, or other Vessel, shall, whilst used in haling 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 Persons wilfully injuring Vessels, or Roads, or other Works.

LX. 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 Directions 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 nor less than Five Shillings.

Vessels at Anchor, to lower their Masts, and give Way to Vessels being drawn with Horses, etc.

LXI. 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 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 haled by Horses or other Beasts, so as to permit every such Vessel so haled 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 haling 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 haling any Boat, Barge, or other Vessel, every such Person shall for every such Offence forfeit



forfeit and pay any Sum not exceeding Twenty Shillings nor less than Ten 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 Trespass or Neglect hereinbefore specified, as Owners or Drivers of Horses employed in haling Boats, Barges, or other Vessels as aforesaid, are subject and liable to by virtue of this Act: Provided always, that nothing herein contained shall be construed to compel or oblige, by any Ways or Means, the Owner or Master of any Barge or other Vessel, to lower the Mast of such Barge or Vessel whilst lying on the Eastern Side of the said River, between *Stourport* Bridge and the River *Stour*.

LXII. 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 haling 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 Six Calendar Months, unless such Penalty shall be sooner paid and satisfied.

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

LXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to alter or prejudice 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 *Severn*; but that such Right or Rights shall remain in the same Manner as before the passing of this Act.

Not to prejudice the Right of Fisheries belonging to Lords of Manors or Land Owners.

LXIV. And be it further enacted, That the said Company 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

Company to make Drains, Bridges, &c.

[*Loc. & Per.*]

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made



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 Watercourse, 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*, 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 Five 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.

LXV. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, their Successors and Assigns, Agents, Servants, and Workmen, at their own Costs and Charges, to make and keep in Repair the said Towing Path or Road over the Land or Ground, now or late of *Peter Price*, lying between Land of the Company of Proprietors of the *Staffordshire and Worcestershire Canal Navigation*, within the Hamlet of *Lower Mitton* in the Parish of *Kidderminster* and the County of *Worcester*, and the River *Stour*, being a Space or Distance of Two hundred and thirty-two Yards and a Half, or thereabouts: Provided always, that the said Towing Path or Road shall not exceed the Width or Breadth of Six Feet over the said Land, now or late of the said *Peter Price*, nor shall the same be made or carried within the Distance of Twenty-four Feet from the coping Stone of the *Severn Wharf Wall* there under any Pretence whatsoever: Provided also, that nothing in this Act contained shall extend or be construed to extend to restrain or hinder the Owner or Owners of the said Land, now or late of the said *Peter Price*, from cutting, digging, making, building, erecting, and using such and so many Sluice or Sluices, Locks, Weirs, Rills, Panns for Water, Basons, Stanks, Reservoirs, Drains, or other Communications with the River *Severn*, Wharfs, Docks, Landing Places, Weigh Beams, Warehouses, Cranes, and other Works, Ways, and Conveniencies thereon, as such Owner or Owners, his or their Heirs, Successors, or Assigns, shall from Time to Time think requisite or convenient, or from landing thereon, or taking away therefrom any Goods, Wares, or Merchandize, or other Matters or Things, or from passing or cutting over, through, or under the said Towing Path or Road, nor shall any Thing in this Act contained defeat, prejudice, or in anywise affect or annul any Right or Rights, Powers or Authorities whatsoever, which the Owner or Owners of the said Land or Ground, now or late of the said *Peter Price*, now have or may



may at any Time or Times hereafter have, claim, or exercise over the same, or might have had, claimed, or exercised, in case this Act had not been made, so as by the Exercise of such Power the said Horse Towing Path be not stopped or prevented; any Thing therein contained to the contrary notwithstanding: Provided also, and the said Company of Proprietors of the River *Severn* Horse Towing Path Extension, are hereby required to make an annual Satisfaction to the Owner or Owners of such Land, for so much thereof as shall be so taken and used for such Towing Path or Road as aforesaid, and also at their own Costs and Charges to make and erect, or cause to be made and erected, and from Time to Time to uphold and keep in Repair such and so many Bridge or Bridges, Arches, Ways, and Passages over any Sluice or Sluices, Weirs, Drains, Passages for Water, Locks, and other Conveniencies and Communications with the River *Severn*, now or at any Time or Times hereafter to be cut, made, done, or erected across the said Towing Path by the Owner or Owners of the said Land, now or late of *Peter Price*, for the Time being, as he or they shall deem necessary and approve.

LXVI. Provided always, and be it further enacted, That nothing in this Act contained shall empower the said Company of Proprietors of the River *Severn* Horse Towing Path Extension, their Successors or Assigns, or any other Person or Persons whatsoever, to make or use any Road or Roads, Way or Ways (except the said Towing Path or Road, of the Breadth of Six Feet, over the said Land of *Peter Price*) over, into, through, or out of any Land or Ground of the said Company of Proprietors of the *Staffordshire* and *Worcestershire* Canal Navigation, or any Land or Ground now or late of the said *Peter Price*, or to use any private Road or Roads of the said Company of Proprietors of the *Staffordshire* and *Worcestershire* Canal Navigation, or of the Proprietors or Owners of the said Lands, now or late of the said *Peter Price*, within the Hamlet of *Lower Mitton* (other than and except a Road from the said Horse Towing Path into the Common Road leading to *Mitton*, for which the said Company of Proprietors of the River *Severn* Horse Towing Path Extension, shall pay an annual Rent so long as the same shall be continued to be used for the Purposes of this Act), or any new Road in lieu thereof set out for the same Purposes, without the Consent of the said Company of Proprietors of the *Staffordshire* and *Worcestershire* Canal Navigation, or of the Proprietors or Owners of the said Land now or late of *Peter Price*, in that Behalf first had and obtained in Writing.

Company of Proprietors not to use any Roads, &c. over the Lands of the *Staffordshire* and *Worcestershire* Canal Company without Consent, &c.

LXVII. 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

Manner of recovering and Application of Penalties.



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 shall 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 Six Calendar Months, unless such Fines, Penalties, and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

LXVIII. 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.

‘ To wit. } 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 Ma-  
‘ jesty’s Justices of the Peace for the [specifying the  
‘ Offence, and Time and Place when and where the same was committed, as  
‘ the Case shall be]. Given under my Hand and Seal, the Day and Year  
‘ aforesaid.’

Distress not  
unlawful for  
Want of  
Form.

LXIX. 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 Parties 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.

For punishing  
Persons giving  
false Evidence.

LXX. And be it further enacted, That all and every Person or Persons, who in any Examination to be taken by virtue of this Act, shall be guilty of giving false Evidence upon Oath before any Justice or Justices of the Peace, shall and may be prosecuted for the same, and upon Conviction thereof, shall be subject to such Punishments and Disqualifications, as any Person or Persons can or may be subject to for wilful and corrupt Perjury, by any of the Laws or Statutes of this Realm.

Damages not  
specifically  
provided for  
to be settled  
by Justices.

LXXI. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, Hereditaments, or Property, by reason of the Execution



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 any Two Justices of the Peace of the said County of *Worcester*, and be recovered, levied, and applied, in such Manner as other Damages herein-before mentioned are directed to be recovered, levied, and applied.

LXXII. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves, aggrieved by any Rule, Regulation, or Bye Law, Judgement, Order, or Determination of any Justice or Justices of the Peace in pursuance of this Act (where the Order or Determination of any such Justice or Justices is not declared to be final) may, within Three Calendar Months after such Judgement, Order, or Determination, shall have been made or given, complain to the Justices of the Peace at the General Quarter Sessions of the Peace to be held in and for the County or City where the Cause of Complaint shall happen, who shall, in a summary Way, either hear and determine the said Complaint at such General Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for the said County or City, and if they see Cause may 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 award such Costs to either of the Parties as they shall judge reasonable; and such Order and Determination of the said Justices at the said General Quarter Sessions, shall be final and conclusive upon all the Parties, and shall not be removed or removeable by *Certiorari* or other Process into any of His Majesty's Courts of Record at *Westminster*.

Persons aggrieved may appeal to Quarter Sessions.

LXXIII. 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 of the River *Severn* Horse Towing Path Extension, 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.

For compelling Subscribers to pay their Subscription Money.

LXXIV. 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 herein-before 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, then within Three Calendar Months next after the doing or committing such

All Actions to be commenced within Six Months.



such Damages shall cease, and not afterwards, and shall be laid and brought in the County or City where the Matter of 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 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 nonsuit, 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 Judgement 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 or other Costs by Law.

Publick Act.

LXXV. And be it further enacted, That this Act shall be allowed in all Courts whatsoever as a publick Act, and all Judges, Justices, and other Persons, are hereby required to take Notice of it as such without specially pleading the same.

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