



ANNO SEXTO

# VICTORIÆ REGINÆ.

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## Cap. v.

An Act to enable the Company of Proprietors of the *Staffordshire* and *Worcestershire* Canal Navigation to lend certain Sums of Money to the Commissioners for the Improvement of the Navigation of the River *Severn*, and to guarantee the Repayment of the Amount of any Loans which any other Persons or Bodies shall make to such Commissioners, and to guarantee the Performance of Contracts into which such Commissioners shall enter, and to borrow Money for such Purposes. [3d April 1843.]

**W**HEREAS by an Act of Parliament passed in the last Session of Parliament, intituled *An Act for improving the Navigation of the Severn from the Entrance Lock of the Gloucester and Berkeley Canal, and from the Entrance Lock of the Herefordshire and Gloucestershire Canal, in the County of Gloucester, to Gladder or Whitehouse Brook in the County of Worcester*, various Powers for improving the Navigation of the River *Severn* were given to Thirty Commissioners therein named, and their Successors, who were thereby authorized to take certain Tolls upon the said River, after the Im-

[Local.] R provements

5 & 6 Vict. c. 24.



provements thereby authorized should have been in manner therein mentioned declared to have been completed, and were also authorized to borrow at Interest Sums of Money not exceeding One hundred and fifty thousand Pounds, upon the Security of such Tolls and of such other Property as should be vested in them; but no Means are by the said Act provided of raising the Money necessary for making such Improvements or acquiring such Property as aforesaid, or of carrying into effect any of the Purposes of the said Act, or of paying the Expences of procuring the said Act, other than the Monies so to be borrowed; and inasmuch as no Tolls can be taken under the said Act until the Improvements thereby authorized shall have been declared to have been completed, the said Commissioners have been unable to induce any Person or Persons or Body or Bodies to make to them any Loan of Money upon the Security by the said Act authorized: And whereas the Company of Proprietors of the *Staffordshire* and *Worcestershire* Canal Navigation, who are incorporated and regulated by the Provisions of Two Acts of Parliament of the Sixth and Tenth Years of the Reign of King *George* the Third, and whose Interests would be greatly promoted by the Completion of the Improvements authorized by the said Act of the last Session of Parliament, are desirous to be invested with such Powers as shall enable them to lend to the Commissioners the Sums of Money which the Commissioners are or may be empowered to borrow, and to guarantee to Persons lending Sums to the Commissioners, or contracting with the Commissioners for the Execution of Works, the Repayment of such Sums, with Interest, or the Performance of such Contracts; and it is expedient that such Powers should be given to the said Company; but such Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 it shall be lawful for the Committee of the said Company for the Time being to lend, in the Name and on behalf of the said Company, to the said Commissioners, upon such Security as can be given by such Commissioners under their said Act, or any other Act or Acts to be hereafter passed, such Sum or Sums of Money, not exceeding in the whole the Sum of One hundred and eighty thousand Pounds, as the said Commissioners may, under their said Act, or any other Act or Acts to be hereafter passed, be empowered to borrow; or to enter into any Contracts or Engagements in the Name and on behalf of the said Company, by way of Guarantee or Security for the Repayment, with Interest, of any Money, not exceeding in the whole the Principal Sum of One hundred and eighty thousand Pounds, which may be lent by any Persons or Bodies to the said Commissioners, under the Authority of the said Act, or of any other Act or Acts to be hereafter passed, or to enter into any Contracts or Engagements in the Name and on behalf of the said Company, by way of Guarantee or Security for the Performance of any Contracts into which the said Commissioners are by the said last-mentioned Act authorized, or may by any Act or Acts to be hereafter passed be authorized to enter, and shall enter, for the Payment of the Cost or Price of any Works to be executed in pursuance

The Company by their Committee may lend 180,000*l.* to the Commissioners, or may guarantee the Repayment by the Commissioners of that Amount if borrowed of others, &c.



of such present or any future Act or Acts, or for furnishing any Materials for such Works.

II. And be it enacted, That it shall be lawful for the said Committee, in the Name and on behalf of the said Company, to do, at one and the same Time or at different Times, all or any or either of the Acts which they are hereby empowered to do, and from Time to Time to repeat such Acts, or all or any or either of them, as often as Occasion shall require, yet so that the Amount which shall be lent by the said Company to the said Commissioners shall not exceed in the whole the Principal Sum of One hundred and eighty thousand Pounds, and so that the Amount borrowed of other Persons or Bodies, and for the Repayment of which the said Company shall give such Guarantee or Security as aforesaid, shall not, when taken together with the Amount, if any, lent to the said Commissioners by the said Company, exceed the Principal Sum of One hundred and eighty thousand Pounds, and so that the Amount of the Contracts for the Performance of which the said Company shall give such Guarantee or Security as aforesaid shall not, when taken together with the Amount of any Money lent to the said Commissioners by the said Company, and the Amount of any Money lent to the said Commissioners by other Persons or Bodies, and for the Repayment of which the said Company shall have given such Guarantee or Security, exceed the Principal Sum of One hundred and eighty thousand Pounds.

The Acts which the Company are empowered to do may be done at one Time or at different Times.

III. And be it enacted, That it shall be lawful for the said Committee to affix the Common Seal of the said Company to any Contracts or Engagements into which they may enter, in exercise of all or any or either of the Powers hereby given to them; and every such Contract or Engagement by way of Guarantee or Security may be according to the Form of the Schedule (A.) to this Act annexed, or to the like Effect.

Committee may affix the Common Seal of the Company to Contracts.

IV. And be it enacted, That it shall be lawful for the said Committee, in the Name and on behalf of the said Company, to take, and for the said Company to hold and enforce, all such Securities as the said Commissioners are by the said Act of the last Session of Parliament authorized, or shall by any Act or Acts to be hereafter passed be authorized, to give, for Monies which they are or shall be authorized to borrow, and such Securities may be given and taken, and held and made available, as well for the Purpose of indemnifying the said Company against all Losses to be incurred by them in consequence of their entering into any such Contracts or Engagements by way of Guarantee or Security as are hereby authorized, as for securing the Repayment, with Interest, of any Sums of Money which they may lend to the said Commissioners.

The Company may take Securities from the Commissioners.

V. And be it enacted, That for the Purpose of providing the said Company with the Means of making such Loans to the said Commissioners as are hereby authorized, and of making good the Contracts or Engagements which shall be entered into under the Powers given by this Act, and for any or either of such Purposes, it shall be lawful for the said Committee, in the Name and on behalf of the said Company,

The Company by their Committee may raise 180,000*l.*

pany, to raise any Sum or Sums of Money, not exceeding in the whole the Principal Sum of One hundred and eighty thousand Pounds, by the Ways and Means herein-after mentioned.

Power to  
borrow  
Money on  
Mortgage  
or Bond.

VI. And be it enacted, That for all or any or either of the Purposes aforesaid it shall be lawful for the said Committee, in the Name and on behalf of the said Company, to borrow, on Mortgage or Bond, such Sums of Money as they shall from Time to Time think fit, not exceeding in the whole the Sum of One hundred and eighty thousand Pounds, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the *Staffordshire* and *Worcestershire* Canal, and all or any other Property of the said Company, and all or any Tolls or Toll which the said Company are authorized or empowered to demand or receive, or to give Bonds in manner herein-after mentioned.

Re-borrow-  
ing.

VII. And be it enacted, That if, after borrowing any Part of the Money so authorized to be borrowed on Mortgage or Bond, the said Company or the said Committee shall pay off the same, it shall be lawful for the said Committee, in the Name and on behalf of the said Company, again to borrow the Amount so paid off, and so from Time to Time.

Mortgages  
and Bonds.

VIII. And be it enacted, That every Mortgage and Bond for securing Money borrowed by the said Company shall be by Deed under the Common Seal of the said Company, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage, Deed, or Bond may be according to the Form of the Schedule (B.) or (C.) to this Act annexed, or to the like Effect; and the said Committee are hereby authorized to affix the Common Seal of the said Company to every such Mortgage and to every such Bond.

Common  
Seal to be  
affixed by  
Committee.

Mortgagees  
and Bond  
Creditors not  
bound to see  
to the Appli-  
cation of the  
Money.

IX. And be it enacted, That no Person or Body lending any Money to the said Company or to the said Committee, upon the Security of a Mortgage or Bond, under the Common Seal of the said Company, shall be in anywise bound, obliged, or concerned to see to the Application of the Money so lent, or any Part thereof, or to inquire whether such Money or any Part thereof was wanted or required for all or any or either of the Purposes of this Act.

Right of  
Mortgagees.

X. And be it enacted, That the respective Mortgagees shall be entitled one with another to their respective Proportions of the Tolls, Sums, Property, and Premises comprised in such Mortgage, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another, or above the Bond Creditors of the Company, by reason of Priority of the Date of any such Mortgage, or of the Meeting of the said Committee at which the same was authorized, or on any other Account whatsoever.

XI. And



XI. And be it enacted, That the respective Obligees in such Bonds shall, proportionably according to the Amount of the Monies secured thereby, be entitled to be paid out of the Tolls or other Property or Effects of the Company the respective Sums in such Bonds mentioned, and thereby intended to be secured, without any Preference one above another, or above the Mortgagees of the Company, by reason of Priority of Date of any such Bond, or of the Meeting of the said Committee at which the same was authorized, or otherwise howsoever.

Rights of  
Obligees in  
Bonds.

XII. And be it enacted, That a Register of Mortgages and Bonds shall be kept by the Clerk of the said Company; and within Fourteen Days after the Date of any such Mortgage or Bond an Entry or Memorial, specifying the Number and Date of such Mortgage or Bond, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any of the Shareholders, or by any Mortgagee or Bond Creditor of the said Company, or by any Person interested in any such Mortgage or Bond, without Fee or Reward.

Register of  
Mortgages  
and Bonds.

XIII. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Bond may transfer his Right and Interest therein to any other Person, by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be according to the Form in the Schedule (D.) to this Act annexed, or to the like Effect.

Transfer of  
Mortgages  
and Bonds.

XIV. And be it enacted, That within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Clerk of the said Company, and he shall thereupon cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Bond in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Bond so transferred, or any Money thereby secured; and for such Entry the Clerk of the said Company may demand a Sum not exceeding the Amount of Two Shillings and Sixpence.

Entry of  
Transfers of  
Mortgages  
and Bonds.

XV. And be it enacted, That the Interest of the Money borrowed upon any such Mortgage or Bond shall be payable and paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable to the Shareholders of the Company.

Payment of  
Interest on  
Loans.

XVI. And be it enacted, That the Interest on any such Mortgage or Bond shall not be transferable except by Deed duly stamped.

Transfers of  
Interest to be  
by Deed.

XVII. And be it enacted, That the said Committee may, if they shall think proper, fix a Period for the Repayment of the Principal  
[Local.] S Money

Repayment  
of Money  
borrowed at  
Time fixed.



Money so borrowed, with the Interest thereof, and in such Case the said Committee shall cause such Period to be inserted in the Mortgage Deed or Bond, and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall be paid to the Party entitled to such Mortgage or Bond.

Repayment  
of Money  
borrowed  
where no  
Time fixed.

XVIII. And be it enacted, That if no Time be fixed in the Mortgage Deed or Bond for the Repayment of the Money so borrowed, the Party entitled to the Mortgage or Bond may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage or Bond, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and the said Company or the said Committee may at all Times pay off the Money borrowed, or any Part thereof, on giving the like Notice, signed by the Clerk of the said Company; and such Notice, if given by a Mortgagee or Bond Creditor, shall be by Writing delivered to the Clerk of the said Company, and if given by the said Company or the said Committee shall be by Writing given personally to such Mortgagee or Bond Creditor, unless such Mortgagee or Bond Creditor be unknown or cannot be found, in which Case such Notice shall be given by Advertisement in the *London Gazette* and in some Newspaper circulating in the Counties of *Stafford* and *Worcester*; and at the Expiration of the said Notice, when given by the Company or the said Committee, Interest shall cease to be payable on the Money secured by such Mortgage or Bond, unless, on Demand of such Money, the said Company fail to pay the same pursuant to such Notice.

For enforcing  
Payment of  
Principal,  
Interest, and  
Costs.

XIX. And in order to provide for the Recovery of the Arrears of Interest and Costs, or of the Principal and Interest and Costs, of any such Mortgage or Bond, at the respective Times at which such Interest, or such Principal and Interest and Costs, shall become due, be it enacted, That if such Interest or any Part thereof shall for Thirty Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee or Bond Creditor may either sue for the Interest so in arrear by Action of Debt in any of the Superior Courts, or he may require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Principal  
and Interest.

XX. And with respect to such Principal Money, Interest, and Costs, be it enacted, That if such Principal Money and Interest be not paid within Six Months after the same shall have become payable, and after Demand thereof in Writing, the Mortgagee or Bond Creditor may sue for the same in any of the Superior Courts of Law or Equity; or if his Debt amounts to the Sum of Ten thousand Pounds he may alone, or if his Debt does not amount to the Sum of Ten thousand Pounds he may, in conjunction with other Mortgagees or Bond Creditors whose Debts, being so in arrear after Demand as aforesaid, shall together with his amount to the Sum of Twenty thousand Pounds, require the Appointment



Appointment of a Receiver by an Application to be made as herein-  
after provided.

XXI. And be it enacted, That every such Application for a Receiver in the Cases aforesaid shall be made to Two or more Justices of the Counties of *Stafford* and *Worcester*, or either of such Counties, who shall not be interested in the Matter of such Application; and on any such Application so made, and after hearing the Parties, it shall be lawful for such Justices, by Order in Writing, to appoint some Person to receive the whole or a competent Part of the Tolls or Sums liable to the Payment of such Interest, or such Principal and Interest, as the Case may be, until such Interest, or until such Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Tolls or Sums aforesaid, be fully paid; and upon such Appointment being made all such Tolls and Sums of Money as aforesaid shall be paid to and received by or to the Use of the Party to whom such Interest, or such Principal and Interest, as the Case may be, shall be then due, and on whose Behalf such Receiver shall have been appointed; and after such Interest and Costs, or such Principal, Interest, and Costs, shall have been so received, the Power of such Receiver shall cease.

XXII. And be it enacted, That no Party shall in right of any Mortgage be deemed a Shareholder in the said Company, or be capable of acting or voting as such at any Meeting of the said Company.

XXIII. And be it enacted, That at all reasonable Times the Books of Account of the said Company shall be open to the Inspection of the respective Mortgagees and Bond Creditors thereof, with Liberty to take Extracts therefrom, without Fee or Reward.

XXIV. And be it enacted, That the Acts hereby authorized to be done by the Committee of the said Company shall and may be done by the Committee for the Management of the Affairs of the said Company for the Time being acting under the Authority of an Act of Parliament passed in the Sixth Year of the Reign of King George the Third, intituled *An Act for making and maintaining a navigable Cut or Canal from the River Severn between Bewdley and Totton Brook in the County of Worcester, to cross the River Trent at or near Heywood Mill in the County of Stafford, and to communicate with a Canal intended to be made between the said River Trent and the River Mersey*; and all Acts hereby authorized to be done by the said Committee may be done by any Nine of the Members of such Committee, notwithstanding all or any of the other Members of such Committee shall dissent therefrom or object thereto, but the Concurrence of Nine Members of the said Committee in the Exercise of all or any or either of the Powers hereby given to such Committee shall be necessary; and all Acts done by Nine Members of the said Committee in pursuance of this Act shall be binding upon the said Company.

Appointment  
of Receiver.

Mortgagees  
not to be  
deemed  
Shareholders.

Access to  
Account  
Books by  
Mortgagees.

The Com-  
mittee of the  
Company  
defined as  
being the  
Committee of  
Management  
acting under  
6 G.3. c.97.

Nine Mem-  
bers of the  
Committee to  
concur, and  
the Concur-  
rence of such  
Nine to be  
sufficient.

XXV. And



Definition of  
"The Com-  
missioners."

XXV. And be it enacted, That the Expression "The Commissioners" shall be understood to mean the Commissioners for the Time being acting under the Act herein-before mentioned to have been passed in the last Session of Parliament, being the Session of Parliament of the Fifth and Sixth Years of the Reign of Her present Majesty Queen *Victoria*, the Title of which Act is herein-before set forth.

Tolls.

10 G.3. c.103.

XXVI. And be it enacted, That the Tolls hereby authorized to be charged by Mortgage or Bond shall include, not only all Tolls or other Payments payable to or receivable by the said Company under or by virtue of the said Act of the Sixth Year of the Reign of King *George* the Third, or of an Act of the Tenth Year of the Reign of King *George* the Third, intituled *An Act to explain and amend an Act made in the Sixth Year of the Reign of His present Majesty, intituled 'An Act for making and maintaining a navigable Cut or Canal from the River Severn between Bewdley and Totton Brook in the County of Worcester to cross the River Trent at or near Heywood Mill in the County of Stafford, and to communicate with a Canal intended to be made between the said River Trent and the River Mersey,' and for granting further Powers for that Purpose*, but also all Tolls and other Payments which shall be payable to or receivable by any other Company, Body, or Person to the Use or for the Benefit of the said Company, either under any Act or Acts of Parliament or otherwise.

Repeal of  
so much of  
6 G. 3. c. 97.  
as makes the  
Destruction  
of Works Fe-  
lony.

XXVII. And whereas by the said Act of the Sixth Year of King *George* the Third it was amongst other things enacted, that if any Person or Persons should wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy any Banks or other Works to be erected or made by virtue of that Act, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent the carrying on, completing, supporting, and maintaining the said then intended Navigation, such Person or Persons should be adjudged guilty of Felony, and every such Felon should be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person or Persons should be tried and convicted should and thereby had Power and Authority to transport such Felon for the Space of Seven Years to some of His Majesty's Plantations in *America*, in like Manner as other Felons were directed to be transported by the Laws and Statutes of this Realm: And whereas it is expedient that such Provision should be repealed; be it therefore enacted, That so much of the said Act of the Sixth Year of the Reign of King *George* the Third as is lastly herein-before recited shall be and the same is hereby repealed.

Repeal of  
so much of  
6 G. 3. c. 97.  
as empowers  
the Company  
to make Bye  
Laws for re-  
gulating the  
Navigation.

XXVIII. And whereas by the said Act of the Sixth Year of King *George* the Third it was further enacted, that the said Company of Proprietors, their Successors and Assigns, for the Time being, should have Power to make such Bye Laws and Orders for the good and orderly using the said Navigation, and the Tunnels and Locks thereon, and for the well governing of the Bargemen, Watermen, and Boatmen who should carry any Goods, Wares, and Merchandizes upon any Part  
of



of the said Canal, and to impose and inflict such reasonable Fines or Forfeitures upon the Breakers of such Bye Laws or Orders as to the major Part of the General Assembly of the said Company should seem meet, not exceeding the Sum of Five Pounds for any One Offence, such Fines or Forfeitures to be levied and recovered by such Ways and Means as were therein-after mentioned; which said Bye Laws and Orders, being put into Writing under the Common Seal of the said Company of Proprietors, their Successors and Assigns, should be binding to and observed by all Parties, and should be sufficient in any Court of Law or Equity to justify all Persons who should act under the same: And whereas it is expedient that such Provision should be repealed; be it therefore enacted, That so much of the said Act of the Sixth Year of the Reign of King *George* the Third as is lastly herein-before recited shall be and the same is hereby, from and after the Expiration of Six Months, to be computed from the passing of this Act, repealed.

XXIX. And be it enacted, That from and after the passing of this Act it shall be lawful for the said Company of Proprietors, from Time to Time, at any General Assembly met as in the said Act of the Sixth Year of King *George* the Third provided, to make such Bye Laws as to such General Assembly or the major Part thereof shall seem fit, for all or any of the following Purposes; (that is to say,) New Power  
to make  
Bye Laws.

For governing and regulating the Use of the Locks and other Works which shall for the Time being be upon the said *Staffordshire* and *Worcestershire* Canal:

For regulating the placing and removing of Vessels upon the said Canal, and for the good Order and Government of all such Vessels:

For regulating the passing and navigating of Vessels upon the said Canal:

For regulating the Duties and Conduct of all Persons, as well the Servants of the said Company as others, who shall be employed at the Locks and Premises of the said Company:

For preventing Damage or Injury to any Vessels, Goods, Articles, or Things in or upon the Premises under the Control of the said Company:

For regulating the Use of the Cranes, Weighing Machines, Weights, and Measures belonging to the said Company, and the Duties and Conduct of all Weighers and Meters appointed by them:

For regulating the Duties and Conduct of the Carriers employed on the Premises of the said Company, and fixing the Rates to be paid to them for carrying any Goods, Articles, or Things from or to the same:

And it shall be lawful for the said Company met in such General Assembly as aforesaid, from Time to Time, as to such General Assembly or the major Part thereof shall seem fit, to repeal, alter, or amend any such Bye Laws as the said Company shall make under the Authority of this Act: Provided always, that no Bye Law to be made under the Authority of this Act shall be repugnant to the Laws of *England*, or to the Provisions of this Act, or of the said Acts

[*Local.*]

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of



of the Sixth and Tenth Years of King *George* the Third, or either of such Acts; and all Bye Laws which shall be made under the Authority of this Act shall be reduced into Writing, and signed by the Clerk of the said Company, and if affecting other Persons than the Officers and Servants of the said Company shall be printed and published as herein provided.

Penalty for  
enforcing  
Bye Laws.

XXX. And be it enacted, That it shall be lawful for the said Company, by the Bye Laws so to be made by them, to impose such reasonable Penalties as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the Whole or Part only of such Penalties to be paid.

Bye Laws  
to be con-  
firmed.

XXXI. And be it enacted, That no such Bye Law which shall be made by the said Company under the Authority of this Act, except such as may relate solely to the said Company or their Officers or Servants, shall be valid or binding unless the same shall be allowed by some Judge of one of the Superior Courts, or by the Justices assembled at some General Meeting or Quarter Sessions of the Peace for either of the Counties of *Stafford* and *Worcester*; and it shall be incumbent on such Justices, on the Request of the said Company, to inquire into any Bye Laws which may be tendered to them for that Purpose, and to allow or disallow of the same as they shall think meet: Provided always, that no such Bye Law shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers of the Counties of *Stafford* and *Worcester* One Month at least before the hearing of such Application; and any Person aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the said Company Ten Days before the hearing of such Application, may, by himself or his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard on the same Matter of Objection.

A Copy of  
proposed  
Bye Laws to  
be open to  
Inspection.

XXXII. Provided always, and be it enacted, That for One Month at least previous to any such Application a Copy of such proposed Bye Laws shall be kept at the principal Office of the said Company; and it shall be lawful for all Persons, at all seasonable Times, to inspect such Copy, without Fee or Reward, and to be furnished by the said Company with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words.

Publication  
of Bye Laws.

XXXIII. And be it enacted, That such Bye Laws, when confirmed, shall be painted on Boards or a Board, and hung up, affixed, and continued on the Front or some conspicuous Part of the principal Office of the said Company, and also on some conspicuous Part of the said Canal, and such Boards or Board shall be from Time to Time renewed as often as the same or any Part thereof may be obliterated or destroyed.

XXXIV. And



XXXIV. And be it enacted, That such Bye Laws, when so confirmed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Bye Laws to be binding on Parties.

XXXV. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the said Company, authenticated by the Signature of the Clerk of the said Company, shall be Evidence of the Existence and of the due making of such Bye Laws in all Prosecutions under the same, and with respect to the Proof of the Publication thereof it shall be sufficient to prove that painted Boards or a painted Board containing a Copy thereof were or was affixed or continued in the Manner by this Act directed; and in case of any such Board being afterwards destroyed or obliterated, it shall be sufficient to prove that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of the Bye Law under which he shall be prosecuted, or that Boards or a Board were not or was not affixed or continued to be affixed as required by this Act.

Evidence of Bye Laws.

XXXVI. And for the Purpose of providing for the due Publication of all Penalties exigible under any Bye Law of the said Company affecting other Persons than the said Company or their Officers or Servants, be it enacted, That from Time to Time the said Company shall publish the short Particulars of the several Offences for which any such Penalty is imposed, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board or on Boards, or printed upon Paper and pasted thereon, and shall cause such Board or Boards to be hung up or affixed on some conspicuous Part or Parts of the said Canal, and where any such Penalties are of local Application shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Publication of Penalties.

XXXVII. And be it enacted, That if any Person pull down or break or deface any such Board put up or affixed as required by this Act for the Purpose of publishing any Bye Law or Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board; and such Expences shall be recoverable as any other Penalty may under this Act be recovered.

Defacing Boards used for the Publication of Penalties.

XXXVIII. And for the Purpose of providing for the Recovery of Penalties imposed by any Bye Law made in pursuance of this Act, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty may be recovered by summary Proceeding upon Complaint made before Two or more Justices, and on the Complaint being made to any One Justice he shall issue a

Penalties to be summarily recovered before Two or more Justices.

Summons



Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any Two or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any Two or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to  
be levied by  
Distress.

XXXIX. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress; and any One Justice shall issue his Warrant accordingly.

Imprison-  
ment in  
default of  
Distress.

XL. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty and Costs, unless the Offender give sufficient Security by way of Recognizance or otherwise to the Satisfaction of the Justices for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if, before issuing such Warrant of Distress, it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty and Costs be sooner paid and satisfied.

Application  
of Penalties.

XLI. And with respect to the Application of any Penalties recovered by virtue of this Act the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty shall be imposed shall award one Half thereof to the said Company, and the other Half thereof to the Informer or any Person suing for the same.

Penalties to  
be sued for  
within Six  
Months.

XLII. And be it enacted, That no Person shall be liable to the Payment of any Penalty imposed by virtue of this Act for any Offence herein-before made cognizable before Two Justices, unless the Complaint respecting such Offence shall have been made before such Justices within Six Months next after the Commission of such Offence.

XLIII. And



XLIII. And be it enacted, That it shall be lawful for any Two or more Justices to summon any Person to appear before them as a Witness in any Matter in which such Justices shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Two or more Justices touching any Offence committed against this Act, or any Matter in which such Justices shall have Jurisdiction by the Provisions of this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justices, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Penalty on  
Witnesses  
making  
Default.

XLIV. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the said Company, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against any Bye Law to be made under the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act, and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Transient  
Offenders.

XLV. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against any Bye Law to be made under the Authority of this Act may cause the Conviction to be drawn up according to the Form in the Schedule (E.) to this Act annexed.

Form of  
Conviction.

XLVI. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Informalities.

XLVII. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress how  
to be levied.

XLVIII. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a

Distress not  
unlawful for  
Want of  
Form.

[*Local.*]

U

Trespasser



Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may  
appeal to  
Quarter Ses-  
sions on giv-  
ing Security.

XLIX. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Two or more Justices, under the Provisions of this Act, he may appeal to the General Quarter Sessions for the County in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to  
make such  
Order as they  
think rea-  
sonable.

L. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Costs.

The Com-  
pany's com-  
pulsory  
Powers of  
taking Lands  
to cease.

LI. And be it enacted, That the Powers of the said Company for the compulsory Purchase or taking of Lands for the Purposes of the said Acts of the Sixth and Tenth Years of the Reign of King *George* the Third, or of either of such Acts, shall not be exercised after the passing of this Act.

Repeal of  
Limitation  
of Actions,  
6 G. 3. c. 97.

LII. And whereas it was by the said Act of the Sixth Year of King *George* the Third further enacted, that if any Action, Suit, or Information should be brought or commenced against any Person or Persons for any thing done or to be done in pursuance of that Act, or in the Execution of the Powers and Authorities or the Orders and Directions therein-before given or granted, every such Suit or Information should be brought or commenced within Six Calendar Months next after the Fact committed, or in case there should be a Continuation of Damages then within Six Calendar Months next after the doing or committing such Damages should cease, and not afterwards: And whereas it is expedient that such Provision should be repealed; be it therefore enacted, That so much of the said Act of the Sixth Year of the Reign of King *George* the Third as is lastly herein-before recited shall be and the same is hereby repealed.

LIII. And



LIII. And whereas by the said Act of the Tenth Year of King *George* the Third it was amongst other things enacted, that if any Action, Suit, or Information should be brought or commenced against any Person or Persons for any thing done or to be done in pursuance of that Act, or in the Execution of the Powers and Authorities or the Orders and Directions therein-before given and granted, every such Action, Suit, or Information should be brought or commenced within Six Calendar Months next after the Fact committed, and not afterwards : And whereas it is expedient that such Provision should be repealed ; be it therefore enacted, That so much of the said Act of the Tenth Year of the Reign of King *George* the Third as is herein-before recited shall be and the same is hereby repealed.

Repeal of  
Limitation  
of Actions,  
10 G.3. c.103.

LIV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; (that is to say,)

Interpreta-  
tion of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

Words importing the Masculine Gender shall include Females :

The Word "Month" shall mean Calendar Month :

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster* :

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath :

The Word "Justice" shall mean Justice of the Peace for the County, City, Liberty, or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter ; and where the Matter shall arise in respect of Lands, being the Property of one and the same Party, situate not wholly in any one County, City, Liberty, or Place, the same shall mean a Justice acting for the County, City, Liberty, or Place where any Part of such Lands shall be situate, and who shall not be interested in such Matter.

LV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.



SCHEDULES referred to by the foregoing Act.

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SCHEDULE (A.)

*Form of Guarantee.*

WE, the Company of Proprietors of the Staffordshire and Worcestershire Canal Navigation, do hereby, for ourselves and our Successors, contract and agree with the said *A.B.* his Executors, Administrators, and Assigns, that in case Default shall be made by the Commissioners for the Improvement of the Navigation of the River Severn in the Performance on their Part of all or any or either of the foregoing Covenants, Contracts, or Agreements, or of any Parts or Part thereof respectively, or in the Payment of any Principal Money or Interest thereby secured or agreed to be paid, we will, on the Part and in the Stead of the said Commissioners, perform such Covenants, Contracts, and Agreements, so far as they shall not be performed by the said Commissioners, and will pay so much of such Principal or Interest Money, or of both, as the said Commissioners shall not pay.

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SCHEDULE (B.)

*Form of Mortgage Deed.*

Staffordshire and Worcestershire Canal Navigation:

Mortgage No. . . . . £ . . . . .

By virtue of an Act passed, &c., intituled, &c., we, "The Company of Proprietors of the Staffordshire and Worcestershire Canal Navigation," in consideration of the Sum of . . . . . Pounds paid to us by *A.B.* of . . . . . do assign unto the said *A.B.*, his Executors, Administrators, and Assigns, the said Canal Navigation, and all the Tolls and Sums of Money arising by virtue of the Act passed, &c., intituled, &c., and all the Estate, Right, Title, and Interest of the Company in the same, to hold unto the said *A.B.*, his Executors, Administrators, and Assigns, until the said Sum of . . . . . Pounds, together with Interest for the same at the Rate of . . . . . for every One hundred Pounds by the Year, be satisfied [the Principal Sum to be repaid at the End of . . . . . Years from the Date hereof (*in case any Period be agreed upon for that Purpose*)].

Given under our Common Seal, this . . . . . Day of . . . . .  
in the Year of our Lord . . . . .

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## SCHEDULE (C.)

*Form of Bond.*

Staffordshire and Worcestershire Canal Navigation.

Bond No.

£

By virtue of an Act passed, &c., intituled, &c., we, "The Company of Proprietors of the Staffordshire and Worcestershire Canal Navigation," in consideration of the Sum of Pounds to us in hand paid by *A.B.* of do bind ourselves and our Successors unto the said *A.B.*, his Executors, Administrators, and Assigns, in the penal Sum of Pounds:

The Condition of the above Obligation is such, that if the said Company shall pay to the said *A.B.*, his Executors, Administrators, or Assigns, on the Day of which will be in the Year One thousand eight hundred and the Principal Sum of Pounds, together with Interest for the same at the Rate of Pounds per Centum per Annum, payable half-yearly on the Day of and the Day of then the above written Obligation is to become void, otherwise to remain in full Force.

Given under our Common Seal, this Day of One thousand eight hundred and .

## SCHEDULE (D.)

*Form of Transfer of Mortgage or Bond.*

I *A.B.* of in consideration of the Sum of Pounds paid to me by *G.H.* of do hereby transfer to the said *G.H.*, his Executors, Administrators, and Assigns, a certain Bond [*or Mortgage*] No. made by "The Company of Proprietors of the Staffordshire and Worcestershire Canal Navigation" to bearing Date the Day of for securing the Sum of Pounds and Interest, [*or, if such Transfer be by Endorsement, the within Security,*] and all my Right, Estate, and Interest in and to the Money thereby secured [*and if the Transfer be of a Mortgage, and in and to the Tolls, Money, and Property thereby assigned*]. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and .

[Local.]

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## SCHEDULE (E.)

### *Form of Conviction.*

to wit. }  
 BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_  
 in the Year of our Lord \_\_\_\_\_ A.B. is convicted before us,  
 C.D. and F.H., Two of Her Majesty's Justices of the Peace for the  
 County of \_\_\_\_\_ [here describe the Offence generally, and the  
 Time and Place when and where committed], contrary to the Stafford-  
 shire and Worcestershire Canal Act, One thousand eight hundred and  
 forty-three.

Given under our Hands and Seals, the Day and Year first above written.

*C.D.*  
*F.H.*

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Printers to the Queen's most Excellent Majesty. 1843.