



ANNO QUADRAGESIMO NONO

GEORGI II. REGIS.

Cap. 78.

An Act for amending several Acts for making navigable the Rivers *Wye* and *Lugg*, in the County of *Hereford*; and for making a Horse Towing-path on certain Parts of the Banks of the said River *Wye*.

[20th May 1809.]

WHEREAS an Act was passed in the Fourteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for the making navigable the Rivers Wye and Lugg, and the Rivers and Brooks running into the same in the Counties of Hereford, Gloucester and Monmouth*: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of King *William* the Third, intituled, *An Act for making navigable the Rivers of Wye and Lugg, in the County of Hereford*: And whereas another Act was passed in the Thirteenth Year of the Reign of His late Majesty King *George* the First, intituled, *An Act for explaining and amending an Act passed in the Seventh and Eighth Years of the Reign of his late Majesty King William the Third (intituled, An Act for making navigable the Rivers Wye and Lugg, in the County of Herford), and for making the same more effectual*: And whereas the Powers, Authorities and Provisions contained in the said Acts have been found inadequate for carrying into Execution the several Purposes therein mentioned in relation to the Navigation of the River *Wye*, and it would be highly advantageous to the Owners of Barges, Vessels, and other Craft navigating upon the said River, and beneficial to the Trade and Commerce of Places near thereto, and to the Owners of Estates adjoining to the

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said River, as well as to the Public in general, if a proper Road was to be set out and made along such Parts of the Banks of the said River *Wye* as are hereinafter mentioned, to be made use of as a Haling or Towing-path for Horses and other Cattle, and if the said Acts were to be rendered more effectual: And whereas it is doubtful whether under any of the said recited Acts the Trustees therein named, or who should thereafter be elected in manner therein mentioned, have any Authority vested in them by the said recited Acts or any of them, to raise a sufficient Sum of Money for the Purpose of making and completing such Towing-path: And whereas the several Persons herein after-named being willing and desirous, at their own proper Costs and Charges, to make and maintain such Towing-path or Roads for Horses and other Beasts on the Banks of the said River *Wye*, from the City of *Hereford* to a certain Place in the Parish of *Welch Bicknor*, in the County of *Monmouth*, opposite to *Lidbrook*, in the County of *Gloucester*, to which the surviving Trustees under the said recited Acts appointed (considering the same to be for the Benefit of the Public, and a great Assistance to the Navigation of the said River *Wye*) have consented and agreed: But the same cannot be effectually carried into Execution without the Authority of Parliament; may it therefore please Your Majesty, that it 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 Sir *George Cornewall*, Baronet, Sir *John Geers Cotterell*, Baronet, *Benjamin Biddulph*, Esquire, *James Biss*, and *Thomas Bird*, Gentlemen, *John Bowsher*, *Charles Bodenham*, and *Edward Bolton Clive*, Esquires, *John Cooke*, *Jonathan Crompton*, *William Elliott*, and *Robert Felton*, Gentlemen, *Thomas Foley*, Esquire, *John Getbin*, *John Graham*, *Thomas Hodges*, *Walter Haines*, *John Hugbes*, *John Harrison*, Gentlemen, *Philip Jones*, *Warren Jane*, *John Matthews*, Esquires, *George Morse*, Gentleman, *William Symonds*, M. D. *Thomas Powell*, *Thomas Powell Symonds*, *Richard Philip Scudamore*, Esquires, *Richard Prince*, *James Pearce*, *Nathaniel Purchas*, *Robert Whittlesey Purchas*, and *Thomas Acton Wollaston*, Gentlemen; and *Richard Watkins*, Esquire, (together with the Trustees appointed by or in pursuance of the said recited Acts), and their several and respective Successors, Administrators, and Assigns, are and shall be united into a Company, for the better carrying into Execution the Powers granted by the said recited Acts, and for making, 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 *Wye*, between the City of *Hereford* and the Place before-mentioned opposite to *Lidbrook* aforesaid, and shall for that Purpose be One Body Politic and Corporate, by the Name of "The Company of Proprietors of the Rivers *Wye* and *Lugg* Navigation and Horse Towing-path;" 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

Company
appointed.

chased for the Use of the said Towing-path and Works; and any Person or Persons, or Bodies Politic, Corporate or Collegiate, may give, grant, bargain, sell, and 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:

II. And be it further enacted, That from and after the passing of this Act the said recited Acts, and all the Clauses, Provisions, Matters and Things therein contained (except such as are hereby varied or altered, and also except such as relate to Exemption from Stamp Duties), shall be carried into Execution by the said Company of Proprietors as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act.

Powers of former Acts continued.

III. AND whereas a Survey has been taken, and a Plan or Map, with a Book of Reference thereunto, have been made in consequence of such Survey, through and over the real Estates now or late belonging or reputed to belong unto the several and respective Persons as are particularly described in the said Plan and set forth in the 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 *Hereford*, and the Clerk to the said Company of Proprietors for the Time being, to which all Persons shall have 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 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.

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.

IV. 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 Book of Reference set forth, by making such Towing-path on the opposite Side of the River to that whereon the same is set out and described on such Map or Plan; and that such Towing-path shall not exceed the Breadth of Ten Feet from the Edge of the Bank at the High Water Mark, including the Fences to be made in manner after-mentioned.

Towing-path to be made pursuant to the Plan.

V. 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, and over the Lands or Grounds of any Person or Persons who is or are Owner or Owners of Lands over which the same is set out and described as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in Case it shall appear to any Two or more Justices of

Land Owners Names omitted by Mistake in Book of Reference not to obstruct Towing-path.

of the Peace for the said County of *Hereford* or *Monmouth*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

The Manner
in which the
Improve-
ments are to
be made.

VI. 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 and Workmen, and Assistants, at their own proper Costs to set out and make, and at all Times hereafter to repair, amend, improve, and keep in good Condition convenient Towing-paths or Roads, and Ways for drawing and haling with Horses or other Beasts any Barges, Lighters, Boats, or other Vessels sailing upon or using the Navigation of the said River *Wye*, between the City of *Hereford* and the Place before mentioned opposite to *Lidbrook*; and also to dig, take and carry away any Gravel, Stone, or other Materials proper for making and keeping in repair the Towing-path or Road hereby authorized to be made in and from any Part or Parts and Sides of the said River *Wye*; doing thereby no Injury or Prejudice to any Ford or Fording Place now used for the Passage of Horses, Beasts, or Carriages through the said River *Wye*; 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 *Wye*, between the City of *Hereford* and the Place before mentioned, opposite to *Lidbrook* aforesaid, and which may anyways impede or obstruct the haling or drawing of Vessels by Horses or other Beasts, as the said Company of Proprietors shall think necessary for effecting the Purposes aforesaid; and to build, erect, and set up such new and other Gates, Rails, Wickets, 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 or drawing Vessels as aforesaid, or returning along the said Paths or Roads, subject nevertheless to the Restrictions herein after mentioned; and also to erect, build, and keep Toll Houses, Stables, Buildings, Ferry Boats, Ferries, and other Conveniencies adjoining to or as near as can be to the said River *Wye*, for collecting the Tolls, and the Use and Management of the said Towing-paths or Roads; and also to build and erect any Bridges or Culverts across any Brooks, Ditches, Waters, or other Places, for the better setting out, making, and improving the said Towing-paths, but so as not to obstruct the Drainage or Waters of such Brooks or Ditches, or to stop or pound the same to the prejudice of any 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 *Wye* such Towing-paths or Roads as aforesaid in and through the Lands and Grounds upon either Side of the said River, and from Time to Time to repair and amend the said Paths, and also to lay on convenient Places of such Lands or Grounds any Timber, Bricks, Lime, Gravel, or other Materials for the building, erecting, and repairing such Toll Houses, Stables, Gates, Rails, Stiles, Wickets, and for maintaining and keeping in repair such Towing-path as aforesaid, and to do and perform all such other Works, Matters, and Things as the said Company of Proprietors shall deem requisite and proper for carrying

ing on, perfecting, and maintaining the same Towing-path and Road, they the said Company of Proprietors, their Agents, and Workmen, doing as little Injury as may be, and making such Recompence as is hereinafter mentioned to the Owners or Occupiers of Lands or Tenements respectively, for all Trees, Willows, or Bushes to be cut down by the Directions of the said Proprietors for the Purposes aforesaid; and also making such Satisfaction, and paying as hereinafter is mentioned to the Owners and Occupiers of or Persons interested in any Lands, Tenements, or Hereditaments respectively as shall be used or prejudiced, and for all Damage by them sustained in or about setting out, making, using, or repairing such Towing-paths or Roads as aforesaid, or in executing any of the Powers or Authorities by this Act given to the said Company of Proprietors.

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

Company to keep up the Banks of the River damaged by the Towing-path.

VIII. And be it further enacted, That if 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 their own Costs and Charges, within Six Calendar Months next after such Notice given, in a proper Manner fence off the same with Posts and Two Rails according to such Notice, 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 *Wye* for Water, and all other necessary Purposes; and after such Fences are made the said Company shall at their own Costs 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, and that such Fences shall be afterwards kept in Repair by such Land Owners respectively.

Company to fence off Land from Towing-path if required.

IX. And be it further enacted, That in all and every such Places upon the said Towing-path herein directed to be made, where it shall be necessary to make any Gates or Dropstiles for the Passage of Horses haling or drawing any Barge, Boat, or other Vessel upon the said River *Wye*, or through the Fences crossing such Towing-path, the said Company, their Agents, Servants or Workmen, are hereby required to make either Gates or Dropstiles sufficient for the Purposes aforesaid, as the respective Owners or Occupiers of such Lands, upon which the same are intended to be made as aforesaid, shall request, by writing to be made 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 also shall make, erect, and set up such Bridges, Tunnels, or Passages in, over, or under the Ditches, Watercourses,

Gates or Dropstiles to be made at the Option of Owners or Occupiers, and paid for by the Company.

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

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

X. Provided always, and be it further enacted, That if the said Company or their Treasurer shall not be satisfied with the reasonableness of such 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 County or Place wherein the Cause of Complaint shall have arisen, 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) which shall be adjudged by such Justice to be paid to such Owners or Occupiers or any of them, shall be paid by the said Treasurer within Fourteen Days; and in case the same shall not be paid by the said Company within that Time, and the same shall have been demanded, then such Charges shall and may be levied by Distress and Sale of the Goods and Chattels of the said Company 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; provided also, that nothing herein contained shall be construed to hinder the Occupier of any Lands on the Banks of the said River *Wye* respectively from fencing out the said Towing-path or Road at any Time when made from the other Parts of the said Lands, in such Places as they shall think proper, provided such Fences are not made on the Side of the Road next to the said River, or so as to obstruct or hinder the free Passage along the said Towing path or Road.

Power of Occupiers of Land to fence out Towing-path.

Owners and Occupiers of Land may use Towing-path as Driftway.

XI. And be it further enacted, that all Owners and Occupiers of Land through or over 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

for the making and amending the said Road and otherwise carrying this Act into execution, without the Consent of the said Company of Proprietors: Provided always, that all Persons so using the said Towing-path, or having the Care of any Horse or Cattle not drawing, shall and are hereby required to give way, and to cause all Horses and Cattle as aforesaid to give way to Horses or other Cattle haling Boats, Barges, or other Vessels as aforesaid; and every Person who shall not so give way, or who shall suffer his or her Team or Cattle to stop or interrupt any Horse or Cattle haling as aforesaid, shall forfeit for every such Offence any Sum not exceeding Forty Shillings, at the Discretion of the Justice of the Peace before whom the Complaint shall be made; and all Persons authorized to use the said Towing-path by themselves, or with Horses or Cattle not drawing, shall be liable to the like Penalty and Forfeiture for any Trespases or Neglect in this Act specified, as Owner or Owners of Horses or Cattle drawing Boats are subject and liable to under this Act.

XII. 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 or Bodies 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 of the said Company 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.

Lands to be entered on to take Surveys, &c.

XIII. And whereas it may be necessary for the said Company of Proprietors to purchase Lands, Tenements, or Hereditaments adjoining or near to the said River *Wye*, 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 hereinafter mentioned; be it therefore further enacted, That it shall be lawful for all Bodies Politic, or Corporate or Collegiate, Corporations Aggregate or Sole, Husbonds, Guardians, Trustees, and Feoffees in Trust for Charities and other Purposes, Committees, Executors, and Administrators, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their *cestui que* Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person or Persons, and to and for all Femmes 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, 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, Tenements, or Hereditaments, either in consideration of a Sum of Money

Bodies Politic, &c. empowered to sell Lands, &c.

to be paid in gross, or of an Annual Rent or Payment (at the Election of the Parties selling) to be charged and secured as hereinafter mentioned, as shall be agreed upon between such Person or Persons or Bodies Politic or Corporate, or any of them, 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 whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate or Collegiate, and all Persons whomsoever so conveying as aforesaid, are hereby indemnified for what he, she, or they or any of them shall respectively do by virtue or in pursuance of this Act; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances so to be made as aforesaid, and to which the said Company shall be Parties, shall at the Expence of the said Company be enrolled with the Clerk of the Peace for the County or Counties wherein the said Lands, Tenements, or Hereditaments shall respectively lie or be situate, and the same or a true Copy or Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; for which Inrollment, 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 if any such Owners, Proprietors, Occupiers, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Trustees, or any other Person or Persons interested in any such Lands, Tenements, or Hereditaments, upon Notice in Writing by the Clerk or Treasurer of the said Company of Proprietors, to him, her, or them given, or left at the respective Dwelling houses or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in possession of the Lands, Tenements, or Hereditaments so to be taken in and possessed, for the Purpose of carrying this Act into execution, shall by the space of Ten Days 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 shall be prevented from treating; then and in every or any such Case the said Company shall cause it to be enquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the said Counties of *Hereford* or *Monmouth*, (which Oaths any One or more of the said Company of Proprietors is and are hereby empowered and required to administer), what Damages shall be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested for or on account of the taking and possessing for the Purposes aforesaid of such Lands, Tenements or Hereditaments; and in order thereto the said Company are hereby empowered and required from Time to Time as Occasion shall require, to summon and call before the said Jury, and examine upon Oath, all and every Person or Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises, (which Oath any One or more of the said Company of Proprietors is and are hereby empowered to administer); and they shall also order and cause the said Jury to view the Places in question, if there be Occasion, and use all other lawful Ways and Means as well for their own as for the Jury's better Information in the Premises, as the said Company of Proprietors shall think

Difference
and Compen-
sations to be
settled by a
Jury.

think fit; and after the said Jury shall have enquired of, ascertained, and settled such Damages, Recompence, and Satisfaction, the said Company of Proprietors shall thereupon order the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners or Occupiers of or other Persons interested in the said Lands, Tenements, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition and Order, so had and made, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming any Estate in Fee Simple, or Fee Tail for Life or Lives, or Years in Possession, Reversion, Remainder, or otherwise, their Heirs, Successors, Executors, and Administrators, Infants, Issue unborn, Females Covert, Persons beyond the Seas and under any Disability whatsoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for the summoning and returning of such Jury or Juries, the said Company of Proprietors are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of *Hereford* or *Monmouth*, or in case such Sheriff or his Deputy or Deputies shall be anyways interested in the Matter in question, then to some One of the Coroners of such County, not interested therein, thereby commanding and requiring such Sheriff or Coroner to empanel, summon, and return a Jury of Twenty-four honest and indifferent Men, qualified according to Law to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the said Company of Proprietors at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, his Deputy or Deputies, or Coroner, is and are hereby required to empanel, summon, and return such Number accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Company of Proprietors or any One or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purpose aforesaid, and in default of a sufficient Number of Jurymen, the said Sheriff, his Deputy or Deputies, or Coroner, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service (being qualified as last aforesaid) to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Company of Proprietors acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, or such Coroner making default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury and shall not appear, unless prevented by Sickness or other sufficient Cause, or who shall refuse to be sworn on the said Jury, or on being sworn refusing 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, touching the Premises, shall refuse or neglect to appear, or appearing shall refuse to be sworn, and give Evidence; provided that any such Fine shall not exceed the Sum of Ten Pounds upon any such Sheriff, his Deputy or Deputies, or Co-

Their Verdict to be final.

Sheriff to summon Juries.

roner, and the Sum of Five Pounds upon any other Person for any One Offence.

By whom
the Expences
shall be paid.

XIV. 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, or Hereditaments, or Property of any Person or Persons whomsoever, than had been previously offered or tendered by or on the behalf of the said Company of Proprietors, or if no such Recompence or Satisfaction had been offered or tendered in respect of Damages by or on the behalf of the said Company, then all the Expences of summoning such Jury and taking such Inquest shall be settled by Two Justices of the County, City, or Place where the Cause of Difference shall have arisen, 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 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 Two 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 said Justices shall certify that such Person or Persons ought to pay and defray such Costs and Expences; and in case the said Justices shall refuse or neglect to certify as aforesaid, then and in every such Case each Party shall pay their own Costs and Expences: Provided always, that in all Cases where any Owner or Owners, or Person or Persons interested in such Lands, Tenements, or Hereditaments, shall by reason of Absence have been prevented from treating with the said Company, the whole of such Costs, Charges, and Expences shall be borne and paid by the said Company, or their Treasurer in manner aforesaid.

In case of
Alteration
in the Line
Land may be
resold.

XV. And be it further enacted, That in case any Alteration shall be at any Time made in the Line of the said intended Towing-path, or in the Situation of the Toll-Houses, Stables, Buildings, Ferry-Boats, Ferries, and other Conveniences to be made in pursuance of this Act, with the Consent of the Land Owners or Occupiers through or over whose Lands or Grounds such altered Line shall pass, that the said intended Towing-path, or such Part thereof as in consequence of such Alteration shall not be wanting for the Purposes in this Act mentioned, shall be vested in, and shall and may be sold and conveyed by the said Company of Proprietors, for the best Price that can be gotten for the same, or may be exchanged for other Lands used for the Purposes of this Act; provided that in all Cases the Preference shall be given and offered to the Person or Persons from whom the same shall have before been bought and purchased, by virtue of the Provisions in this Act contained, if they or either of them choose to treat for the same, of which Offer an Affidavit to be made and sworn before a Master, or Master Extraordinary of the High Court Chancery (who is hereby empowered to administer an Oath for that Purpose), by some Person or
Persons

The Persons
from whom
first purchased
having a
Preference.

Persons not interested in the Premises, stating that such Offer was made, by or on the behalf of the said Company of Proprietors, and was not then or thereupon agreed to, or was refused, shall be sufficient Evidence in all Courts whatsoever; and in case any of such Persons shall be dissatisfied with the Terms offered by the said Company of Proprietors, the Difference shall be adjusted and determined by Two Persons, One to be appointed by each Party; and in case the said Persons do not agree in such Determination, then such Difference shall be ascertained by a Jury in manner before directed with respect to Allowances to be made to Land Owners and Occupiers, for any thing to be done in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as hereinbefore directed touching the Expence of such Juries; and that after such Determination it shall be lawful for the said Company of Proprietors to sell or exchange the Lands in question to or with any Person or Persons whomsoever; and all Deeds of Conveyance or Exchange executed by the said Company of Proprietors, or any Five or more of them, and inrolled with the Clerk of the Peace for the Time being of the said Counties of *Hereford* or *Monmouth* respectively, as the Case may require, shall be good and effectual in the Law to all Intents and Purposes.

In case of
Difference,

Jury to settle.

XVI. And be it further enacted, That all and every Person and Persons making Complaint and requesting such Jury, shall, before the said Proprietors 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 that the Party ought to pay Costs.

Persons re-
questing Jury
to enter into
Bond to pro-
secute.

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 the behalf of such Person or Persons to the said Company of Proprietors, or to some known Agent or Agents of the said Company, or to some Collector of the Tolls arising from the said Towing-path, within the space of Three Calendar Months next after the Time such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Notice of
Injury to be
given to the
Company
before com-
plaint made
to the Jus-
tices.

XVIII. And be it further enacted, That in case any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under 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

Directing the
Application
of Money
paid for Com-
pensation for
Lands, &c.
when ex-
ceeding
200l.

to

to his Account, *ex parte* the said Company of Proprietors or their Treasurer for the Time being, to the intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid affecting the said 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, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the 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 be paid from Time to Time 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 said Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When not exceeding 200l. and not less than 20l.

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 amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner hereinafore 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

Principal Money, and the Dividends arising thereon, may be applied in any Manner hereinbefore directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery.

XX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes aforesaid, 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.

When less than £ 20.

XXI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Company of Proprietors, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors to order the said Sum or Sums of Money so awarded, to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Interest thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable: And the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles;

or if Persons cannot be found, the Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery on Motion or Petition.

XXII. 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

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.

this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Title 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 any such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; 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.

XXIII. 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 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 Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company, who shall from 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.

XXIV. And be it further enacted, That in default of Payment of any of such Sum or Sums of Money at such Times and in such Manner as shall be assessed and awarded for Damages by any Jury, any Two Justices of the Peace acting for the County wherein the Matter in question shall happen, 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 shall and is hereby declared to be as so much Money received for 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 have been 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

ferred and awarded, which shall not be paid according to the Verdict of the said Jury 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.

XXV. 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 made thereof 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 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 charge-
able on Rates.

or may be
recovered by
Law.

XXVI. Provided always, and be it further 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 any such Case it shall be lawful for any Two Justices of the Peace acting for the County or Place in which such Damages shall happen, 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 and 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 used through or over his, her, or their Land, until all such Damages and Costs shall be fully paid and satisfied.

If Damages
are not paid
Justices may
issue War-
rants to levy
the same.

XXVII. And be it further enacted, That all and every the said Verdicts and Judgments shall be transmitted to the Clerk of the Peace, to be by him kept among the Records of the Quarter Sessions of the Peace for the County wherein such Differences or Matters shall have happened, and shall be deemed to be Records of the said Quarter Sessions.

Decrees to
be filed with
the Clerk of
the Peace,

sions 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 the Works.

XXVIII. 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 assessed by such Juries as aforesaid, for the Purchase of any such Lands or Grounds as aforesaid, to the Owners thereof or other Persons entitled to receive such Money or Rent respectively, or legal Tender thereof made to such Owners or other Person or Persons, or upon depositing the same in the Bank of *England*, in Manner by this Act directed, as the Case may be, 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, and Roots of Trees, and all other Obstructions, for the making, using, maintaining, and repairing of the said Towing-path and Works, and other Conveniences hereby authorized to be made in and upon such Lands, Tenements, or Hereditaments for which such Satisfaction shall be determined or assessed as aforesaid, and thereupon to make, erect, or 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 or 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.

Penalty on Persons obstructing the Works.

XXIX. 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 wilfully or maliciously damage or destroy any of the Works by this Act authorized to be made, maintained, and supported, every Person or Persons so offending in any of the said Cases, shall forfeit any Sum not exceeding Ten Pounds.

Proprietors may raise £6,000 among themselves to carry on the Work.

XXX. 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

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 Six thousand Pounds in the whole, except as hereinafter 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.

XXXI. And be it further enacted, That the said Sum of Six thousand Pounds, or such Part thereof as shall be raised by the Persons hereinbefore named, in such Shares as are hereinbefore mentioned, 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 respectively subscribe and pay thereunto, and shall be deemed Personal Estate; and all and every the Bodies Politic and Corporate, and every Person and Persons, their several and respective Successors, Executors, Administrators, and Assigns, who have already subscribed, or who shall severally subscribe and pay the Sum of 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-hundred and Twentieth Part of the said Profits and Advantages that shall and may arise and accrue by virtue of the Sum or Sums of Money to be raised, recovered, or received by the Authority of this Act, and so in proportion for any greater Number of Shares not exceeding Ten Shares as aforesaid: and every Body Corporate or Politic, Person or Persons, having such Property of One One-hundred and Twentieth Part or Share in the said Undertaking, and so in proportion as aforesaid, shall bear and pay a proportionable Sum of Money towards carrying on the said Undertaking in Manner hereby enacted, directed, and appointed, and shall have a Vote in every public Meeting or Assembly to be held as hereinafter appointed for carrying on the said Undertaking, which may be given by him, her or them, or by his, her, or their Proxy or Proxies duly constituted under his, her, or their Hand and Seal or Hands and Seals, and such Vote or Votes by Proxy shall be sufficient to all Intents and Purposes as if such Principal or Principals had voted in Person; and any Body or Bodies Corporate or Politic, Person or Persons, who shall have more than One such Share, and not exceeding

Shares to be vested in the Proprietors, and deemed Personal Property.

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 or 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 public 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 deliver more Proxies than for Ten absent Proprietors.

Power to raise more in case the first Sum be insufficient.

XXXII. And be it further enacted, That in case the said Sum of Six thousand Pounds hereinbefore authorized to be raised shall be found insufficient for the making, completing, and maintaining the said Towing-path and other 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 Three thousand Pounds, and every Subscriber towards raising such further or other Sum of Money, 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 raised had originally been Part of the said Sum of Six Thousand Pounds, any thing herein contained to the contrary thereof in anywise notwithstanding; 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 Three 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 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*;)

Form of Assignment.

‘ BY Virtue of an Act made in the Forty-ninth 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,
 ‘ for

for and 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, or 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 _____

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.

XXXIII. 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 to the said Principal and Interest Money thereby secured to any Person or Persons whomsoever; which Transfer shall and may be made in the Words or to the Effect following, (that is to say);

Entries of all Assignments to be made in Books.

Assignments may be transferred.

I [or, We] do hereby transfer a certain Mortgage, made by the Company of Proprietors of the River Wye Horse Towing-path, to _____ bearing Date the _____ Day of _____ for securing the Sum of _____ and Interest, and all my [or, our] Right and Property therein to _____ Executors, Administrators, and Assigns. Dated this _____ Day of _____

Form of Transfer.

And every such Transfer or Assignment shall, within Thirty Days after the Date thereof, be produced and notified to the said Clerk, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing 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 the Sum of Two Shillings and Sixpence and no more, and after such Entry made, but not till then, every such Assignment

To be notified to Clerk and entered in same Book.

ment shall entitle such Assignee, his heirs and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign again, and for *toties quoties*.

Interest to be paid Half-yearly, before Dividends made.

XXXIV. 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 appointed for Meeting of Proprietors.

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

A Treasurer and Clerk to be appointed.

XXXV. And be it further enacted, That the First General Assembly or Meeting of the Proprietors for putting this Act into Execution, shall be held at the City Arms Hotel in the City of *Hereford*, upon the First Day of *June* 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 choose 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 choose 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.

Committee to be chosen annually.

XXXVI. And be it further enacted, That the said Committee shall be afterwards chosen annually at a General Meeting of the 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 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 into 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 necessary Expences in attending such Meeting.

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

XXXVII. 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

One Vote before: Provided always, 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.

Chairman, to have the casting Vote.

Committees 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 carrying 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 of 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 or 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, such major Part not to be less than Four; 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, and of which Twenty-one Days' Notice (except the First Call of Ten Pounds *per Centum*, which may be at Seven Days' Notice) shall be given by publishing the same in some public Newspaper or Newspapers circulating in the County of *Hereford*; and the Clerk of the said Committee shall also give Notice to each Subscriber or Proprietor of such Call, and the Treasurer's Name and Place of Abode to whom such Payments are to be made; and if any Person or Persons shall refuse or neglect to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for by the said First Call to be made by virtue of this Act, at the Time and Place so to be appointed as aforesaid, it shall be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, Suit, Bill, 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 or Shares, Parts and Interests in the said Undertaking and Premises; and in case any such

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 Call to be advertised, and also by Letter from Clerk to each Proprietor.

[*Loc. & Per.*]

16 R

Person

Penalty on
Persons not
paying Calls
pursuant to
Notice.

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: 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.

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

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

XXXIX. 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 hereinbefore prescribed and laid down in regard to their Proceedings amongst themselves, as to the major Part of them shall seem meet (the Method of calling Special or General Assemblies and voting and appointing Committees only excepted), and shall have Power to make such Rules, Bye-laws, and Orders for the good Government of the said Company, and the good and orderly using of the said Undertaking, and from Time to Time to alter and repeal the said Bye-laws, Orders, and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of such General Assemblies 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.

Executors of Owners' Shares indemnified

XL. 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

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 deceased Owner 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.

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.

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

Shares may be disposed of.

XLII. 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 have in the said Undertaking,

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

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 the Vendor or Vendee, shall at the Time of such Transfer pay the Money called for upon such Share transferred to the Treasurer of the said Company, such Forfeiture nevertheless to be notified and declared at a General Assembly in manner above directed.

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

Form of
Transfer of
Shares.

‘ I of in consideration of
‘ paid to me by of
‘ do hereby bargain, sell, and transfer to the said Executors,
‘ Administrators, and Assigns Share [or
‘ Shares, *as the Case may be*] of the Undertaking for making the Horse
‘ Towing-path on the Banks of the River *Wye*, to hold unto and to
‘ the Use of the said his, her, or their Executors, Admini-
‘ strators, 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 do hereby agree to accept of the
‘ said Share [or, Shares] of the said Under-
‘ taking, subject to the same Rules, Orders, and Conditions. Wit-
‘ nefs our Hands and Seals the Day of

No Business
to be done at
a Committee,
unless Five
Persons
present;
Treasurer not
to issue
Money with-
out an Order
from the
Committee.

Treasurer to
be allowed
his Ex-
pences; and
Accounts to
be examined
and signed by
Committee.

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

XLIV. 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 such Sum or Sums of Money for the Use of the said Company, without an Order signed by the Majority of the said 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 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 Accounts 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.

XLV. 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 the *City Arms* Hotel, in the City of *Hereford*, upon the First Day of June, and upon the First Day of December, 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 Account (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.

XLVI. And

XLVI. And be it further enacted, That in consideration of the great Charges and Expences which the said Company of Proprietors shall 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 and 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 hereinafter-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 Barge, Lighter, Boat, 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:

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.

XLVII. 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 on the said River, shall refuse or neglect to pay the said Rates, Tolls, 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 Boat or Vessel, by Action of Debt or on the Case in any Court of Record; or the Person so to be appointed to receive the said Tolls, Rates, and Duties, may, and he and they is and are hereby empowered to seize any Boat, Barge, or Vessel for which the said Tolls, Rates, or Duties ought to be paid, and may detain the same till 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, Merchandises, 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 shall be due, and for want of a sufficient Distress, then to detain such Boat,

Method of recovering Tolls.

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 shall be 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, Merchandises 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 Merchandise that may be on board such Boat, Barge or Vessel, and belonging to any other Person or Persons than the Owner or Owners of such Boat, Barge, or Vessel.

Tolls may be lessened.

XLVIII. 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.

XLIX. And be it further enacted, That from and after the First Day of *September* next, the Owner of every Barge, Lighter, Boat or other Vessel (except Pleasure Boats) passing upon the said River, or any Part thereof, between *Hereford* and *Lidbrook* 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 on 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 such Barges, Lighters, Boats 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 Name of the Master or Owner of any such Horse or other Beast while drawing or haling, to be set in large Capitals on the Collar, or some conspicuous Part of the Gears or Furniture of such Horse or Beast; and in case any Barge, Lighter, Boat or other Vessel, except as aforesaid, shall at any Time after the said First Day of *September* be navigated upon the said River between *Hereford* and *Lidbrook* 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 Barge, Lighter, Boat 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 Gears 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 there-

of

of 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 of One or more credible Witnesses or Witnessess, (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, 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) after deducting the Charges of such Distress and Sale, to the Owner or Owners of such Goods and Chattels upon Demand.

L. 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 *Wye*, by casting out and fixing Anchors thereon for the Purpose of mooring Vessels, the said Company shall, and are hereby required to erect and set up, and to continue proper and convenient Mooring Posts in all such Places in the Lands on the Banks of the said River through which the said Towing-path shall be made, and lying within the Distance of Half a Mile of the *Hereford* and *Wilton* Bridges respectively, or either of them, as any Owner or Occupier of any such Lands shall from Time to Time require or direct.

Company to erect Mooring Posts.

LI. 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 Land or Ground adjoining to the said River *Wye*, in which any Mooring Post or Posts shall hereafter be set up or fixed, either by the said Company or any Owner or Occupier of such Lands, every Person so offending shall forfeit and pay for every such Offence to the Owner or Occupier of the Land in which any such Anchor or Anchors shall be cast or fixed, any Sum not exceeding Twenty Shillings at the Discretion of the Justice before whom such Offender shall be convicted; and if any such Offender or Offenders, not being the Owner of the Vessel 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 for the County, City, or Place wherein the said Offence shall be committed, to answer for the same, then, and in every such Case, the Owner or Owners of the Vessels to whom the Anchor shall belong shall pay the Money directed to be paid by the Justice for every such Offence so committed as aforesaid.

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

LII. And be it further enacted, That the said Company of Proprietors shall and may keep a Ferry-Boat or Ferry-Boats at or near the Places called *Putteston Watering Place*, and *Bullingham Road*, and also at or near *Hoarwithby Passage* and *How Caple*, adjoining or near to the said River *Wye*, 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 *Wye*, from one Part of the said Towing-path or Road to the other; and that such Horses or other Beasts, and the Men attending them, shall and may go off the said Road or any Part thereof by the nearest and shortest Way to the Water Side, in order to go on board such Ferry

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

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 Recompense and Satisfaction for the said Road or Towing-path are by this Act directed to be ascertained and recovered.

Not to use any Garden, Orchard, Park, &c. without Consent.

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

Company may build Houses and Stables for Collectors of the Tolls, and for the Use of the Ferries; and let Horses to Hire.

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 Building, on the Banks of or near to the said River *Wye*, 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 *Wye*.

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

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

Party may tender Amends.

Vessels may be haled by Men only without being subject to Tolls.

LVI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to hinder or prevent Vessels navigating on the said River *Wye* from being haled by Men only, in like Manner as heretofore has been used and accustomed, without being subject to the Payment of any of the Tolls or Duties hereby granted.

Saving the Right of Soil in the Haling Path to Land Owners. Land-owners may erect Buildings so as not to obstruct Haling Path.

LVII. Provided always, and be it further enacted, That nothing herein contained shall give any Right or Title to the said Company in or to the Soil or Herbage of the Lands or Grounds hereinbefore directed to be used for the said Towing-paths as aforesaid, nor shall any Thing in this Act contained prevent any Owner or Occupier of Land or Ground situate near the said River *Wye*, 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

River, on their own Lands as heretofore used, or which they were entitled to exercise before the passing of this Act.

LVIII. And be it further enacted, That in case the Driver, or any Person or Persons employed in the haling of any Barge, Lighter, Boat, or other Vessel upon the said River *Wye*, shall permit or suffer any Horse or other Beast then used for that Purpose, to trespass on the Lands or Grounds adjoining or near to the said Towing-path, or if any Person using such Towing-path shall leave any or either of the Gates or Drop-stiles thereupon open after having passed through the same, or shall use any Horse or Beast in such Haling as aforesaid, or in returning back from the same without having a Muzzle on, along, across, or over the Lands or Grounds adjoining to the said Towing-path, not being the public Highway, or shall permit or suffer any Horse or other Beast to be loose on 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 adjoining Lands, or shall commit any wilful Trespass or Damage whatsoever in any such adjoining Lands or Grounds, 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, City, or Place wherein such Offence shall be committed, or the Offender, or Owner or Master of such 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 authorized 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, and all Costs, Charges and Expences attending such Conviction, shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or of the Owner or Master of such Horse or Beast, (at the Election of the Party injured), by Warrant or Warrants under the Hand and Seal of such Justice, and the Overplus (if any) after such Damages, Penalty, and Costs and 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 Offenders or Offender to the Common Gaol or House of Correction for any such County, City, or Place, there to remain without Bail or Mainprize, for any Term not exceeding Three Calendar Months, unless such Damages, Penalty, and Costs, and all reasonable Charges, shall be sooner satisfied and paid.

Penalty on Persons haling, and for Trespasses, &c. in permitting Horses to go off the Road or unmuzzled.

In Default of Payment Offenders to be committed.

LIX. Provided always, and be it further enacted, That in all Cases where such Offender or Offenders shall remain in Prison for the Term, or Time adjudged or ordered by such Justice, for want of sufficient Distress whereby to levy such Damages and Costs as aforesaid, such Damages and Costs shall be paid and satisfied to the Parties injured by

Where the Offenders are committed to Prison for want of Effects, such Damages to

be made
good by the
Company.

such Trespasses or Offences, by the said Company of Proprietors for the Time being, out of the Tolls to be collected by virtue of this Act, and in default of Payment thereof on Demand shall be recovered in Manner hereinbefore directed.

Penalty on
Persons wil-
fully injuring
Ferry-Boats
or their
Tackle
belonging to
the Com-
pany.

LX. And be it further enacted, That if any Person or Persons shall wilfully cut the Cable or Rope of any Ferry-Boats, to be built and set up for the Purposes, and under the Direction of this Act, within the Districts of the said Towing-path or Road, or shall loose and unmoor, turn adrift, or wilfully cut, spoil, injure, or destroy any such Ferry-Boats, or any of the Masts, Cables, Ropes, Tackle or Materials there-to belonging, 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.

Vessels at
Anchor to
lower their
Masts and
give way to
Vessels haled
with Horses.

LXI. And be it further enacted, That if the Master or other Person having the care or Management of any Vessel lying at Anchor, or moored at any Quay, Wharf, or other Place on the said River *Wye*, 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 Barge, Boat, or other Vessel haled by any 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 such Barge, Boat, or other Vessel, or shall wilfully suffer his, her, or their Horses or Cattle to stop or interrupt the Horses or Beasts employed in haling any Barge, Boat, or other Vessel, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, at the Discretion of the Justices 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 or Beasts employed in haling Boats, Barges, or other Vessels as aforesaid, are subject to by virtue of this Act.

Master to
recover back
from Ser-
vants any
Sum paid
for their
Defaults, &c.

LXII. And be it further enacted, That if the Owner or Owners of any Boat, Barge, or other Vessel navigating on the said River *Wye*, or of any Horses or other Beasts 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 or their Servant, such Servant shall be liable to repay the same 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 made 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

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 or Satisfaction so by him, her, or them paid for the Act or Default of such Servant as aforesaid; and if no sufficient Distress can be found or 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 Murther for any Term not exceeding Six Calendar Months, unless such Penalty or Sum of Money shall be sooner paid and satisfied.

LXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend to alter, prejudice, or affect the Right or Rights of any Lord or Lords of any Manor or Manors, or of any Landholders in or to the Fishery or Fisheries of the said River *Wye*, but that every such Right shall remain in the same Manner as before the passing of this Act.

Not to affect
Right of
Fisheries
belonging to
Lords of
Manors and
Landholders.

LXIV. And be it further enacted, That the said Company shall, and they are hereby required at their own Costs to make and maintain, or cause to be made and maintained such Tunnels, Culverts, Drains and other Passages across or under the said Towing-path into the said River *Wye*, where necessary, of such Depth and Breadth as shall be sufficient at all Times to convey the Water from the Lands or Grounds adjoining or lying near to the same River; and that all such Tunnels, Culverts, Drains, and Passages to be made by virtue of this Act, shall from Time to Time be supported, maintained, and kept in good and sufficient Repair by the said Company; and if at any Time after Twenty-one Days previous Notice shall be given by or on Behalf of any Owner or Occupier, Owners or Occupiers of such adjacent Lands, who shall find him, her, or themselves aggrieved by the Obstruction of any such Watercourse, to the said Company, their Clerk, or any known Agent for the Time being, and the said Tunnels, or other Works and Passages shall not be made, cleansed, repaired, and maintained accordingly, it shall be lawful for any Person or Persons having an Order in Writing from any Two Justices of the Peace acting for the County or City wherein such Neglect or Default shall happen, 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 on Neglect or Refusal to satisfy the same within Thirty Days after Demand thereof made upon them, or any Five of them, or upon their Clerk or 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 Company, or of their Treasurer, with all Costs and Charges attending such Distress and Sale.

Company to
make Drains
and Bridges.

LXV. And be it further enacted, That all Fines, Penalties, and Forfeitures hereby inflicted, or hereby authorized to be imposed, or which shall

Manner of
recovering
and Appli-
cation of
Penalties.

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, or 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, City, 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 the said Justice is hereby empowered and required to administer), be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending or liable to pay the same, by Warrant or Warrants under the Hand and Seal of such Justice, and the Overplus, after such Fines, Penalties, and Forfeitures, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and the Monies arising from such Fines, Penalties, and Forfeitures when so recovered, shall be (if not otherwise directed to be applied by this Act) paid into the Hands of the said Treasurer, to be applied and disposed of for the Use of the said Undertaking, and to and for no other Use, Intent, or Purpose whatsoever; and in case sufficient Distress 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.

LXVI. 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 Persons or Person 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. } ' **B**E it remembered, That on the _____ Day of _____
in the Year of our Lord _____ is
' convicted before me _____ one of His Majesty'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.

LXVII. 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 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

such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case at Common Law.

LXVIII. 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.

For punishing
Persons giving
false
Evidence.

LXIX. 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 of any of the Powers hereby given, and through or by any Means not hereby provided for, then, and in every such Case, such Damages shall from Time to Time be ascertained, settled, and determined by a Jury, as the Value and Compensation to be made for any other Damages hereinbefore-mentioned are directed to be ascertained, settled, and determined.

Damages not
specifically
provided for
to be settled
by a Jury.

LXX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or Judgement made in pursuance of any Rule, Bye-law, or Order of the said Company of Proprietors, or by any Order, Judgement, or Determination of any Justice or Justices of the Peace relating to any Matter or Thing in this Act mentioned or contained, then, and in every such Case, such Person or Persons may, within Four Calendar Months next after such Order, Judgement, or Determination shall have been made or given, appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to be holden in and for the County, City, Town Corporate, or Place in which the Cause of Appeal shall arise, first giving Fourteen Days' Notice of such Appeal to the Person or Persons appealed against, and of the Nature and Matter thereof; and within Six Days after such Notice entering into a Recognizance before some Justice of the Peace for such County, City, Borough, or Place, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear or determine the said Appeal at such General or Quarter Sessions, or if they think proper may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be holden for such City, Town Corporate, or Place; and the said Justices may make such Determination in such Appeal and award such Costs to either of the Parties as they shall judge proper; and the said Justices may, if they see Cause, mitigate such Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye-law, Order, Judgement, or Determination, and may also order and award such further Satisfaction to be made to the Party injured, as they shall judge reasonable.

Allowing an
Appeal to
the Quarter
Sessions.

For compelling
ing Subscrib-
ers to pay
their Sub-
scriptions.

LXXI. 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 other Works incident thereto, 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 and Proportions thereof as shall from Time to Time be called for by the said Company of Proprietors of the said Towing-path, or the said Committee, under and by virtue of the Powers and Directions of this Act, at such Times and Places, and to whom, 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 aforesaid, it shall be lawful to and for the said Company to sue for and recover the same in any Court of Law or Equity.

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

LXXII. And be it further enacted, That if any Action, Suit, or Information shall be commenced or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of this Act, or in the Execution of any of the Powers, Authorities, Orders, or Determinations hereinbefore given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact done or committed, or in case there shall be a Continuance of Damages, then within Three Calendar Months next after the doing or committing such Damages shall cease, and not afterwards, and shall be laid and brought in the County or City where the Matter in question shall arise and not elsewhere; and the Defendant or Defendants in any such Action or Suit 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 any such 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 any Law or Statute now in force.

All Expences
to be defray-
ed by the
Company.

LXXIII. And be it further enacted, That all Charges and Expences of making and making any Levels and Surveys, as well as of obtaining and passing this Act, and every Matter incident thereto, shall be borne and paid by the said Company of Proprietors.

LXXIV.

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

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