CHAP. ciii.

An Act for further improving the Navigation of the River Severn, and for amending and extending the Severn Navigation Acts; and for other purposes. [12th July 1869.] A.D. 1869.

WHEREAS by "The Severn Navigation Act, 1842," the Severn Commissioners acting in the execution of that Act were empowered to make and maintain certain works for the improvement of the navigation of the River Severn from the entrance lock of the Gloucester and Berkeley Canal, and from the entrance lock of the Herefordshire and Gloucestershire Canal, in the county of Gloucester, to Gladder or Whitehouse Brook, in the county of Worcester, and were also empowered from time to time to borrow at interest, on the credit of the several tolls by that Act granted and other property vested in such Commissioners, any sum of money not exceeding one hundred and fifty thousand pounds: 5 & 6 Vict. c. xxiv.

And whereas by an Act passed in the sixth year of the reign of Her present Majesty, intituled "An Act to enable the Company of "Proprietors of the Staffordshire and Worcestershire Canal Navigation to lend certain sums of money to the Commissioners for the "improvement of the navigation of the River Severn, and to "guarantee the repayment of the amount of any loans which any "other persons or bodies shall make to such Commissioners, and to "guarantee the performance of contracts into which such Commissioners shall enter, and to borrow money for such purposes," the committee of the said Canal Company for the time being were empowered to lend in the name and on behalf of the said Canal Company to the said Commissioners, upon such security as could be given by such Commissioners under their said recited Act or any other Act or Acts to be thereafter passed, such sum or sums of money, not exceeding in the whole the sum of one hundred and eighty thousand pounds, as the said Commissioners might under their said recited Act or any other Act or Acts to be thereafter passed be empowered to borrow: 6 & 7 Vict. c. v.

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7 & 8 Vict. c. x. 9 & 10 Vict. c. ccxci.

And whereas by each of the following Acts, videlicet, "The Severn Navigation Act, 1844," and "The Severn Navigation Act, 1846," the Severn Commissioners were empowered to borrow at interest on the credit of the said tolls and other property any further sum not exceeding thirty thousand pounds:

16 & 17 Vict. c. xlvii.

And whereas by "The Severn Navigation Act, 1853," the Severn Commissioners were empowered to make and maintain certain further works for the improvement of the navigation of the River Severn between the limits aforesaid, and to borrow at interest on the credit of the tolls by the recited Acts granted any further sums not exceeding in the whole fifty-three thousand pounds:

19 & 20 Vict. c. cxxxi.

And whereas by "The Severn Navigation Act, 1856," the Company of Proprietors of the Staffordshire and Worcestershire Canal Navigation (herein-after mentioned as the Staffordshire and Worcestershire Canal Company) were empowered to advance to the Severn Commissioners any part (not exceeding in the whole forty thousand pounds) of the monies by "The Severn Navigation Act, 1853," authorized to be borrowed:

And whereas under the authority of the recited Acts the Severn Commissioners have borrowed on mortgage the said several sums of one hundred and fifty thousand pounds, thirty thousand pounds, thirty thousand pounds, and forty thousand pounds, and have expended the same in improving the navigation of the River Severn, but the last-mentioned sum of thirty thousand pounds and the said sum of forty thousand pounds have been paid off or otherwise satisfied by the Commissioners, and the total amount of their mortgage debt now is the sum of one hundred and eighty thousand pounds, the mortgages for securing which are vested in the Staffordshire and Worcestershire Canal Company:

And whereas it is expedient that the Severn Commissioners should be empowered to execute the works by this Act authorized for improving the navigation of the River Severn, and should for that purpose be empowered to raise a further sum of money:

And whereas the respective undertakings of the Staffordshire and Worcestershire Canal Company and the Gloucester and Berkeley Canal Company will be benefited by the said improvements and works, and it is expedient that those companies should, in manner herein-after provided, be respectively empowered for the purposes of such improvements and works to contribute or advance and lend money to the Severn Commissioners, and to guarantee the repayment with interest of money to be borrowed by the Severn Commissioners under the authority of this Act, and that the provisions herein-after contained should be made with reference to such intended contributions, loans, and guarantees:

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8 & 9 Vict. c. clxxxiv.

And whereas by "The Oxford, Worcester, and Wolverhampton Railway Act, 1845," it was enacted, amongst other things, that from and after a certain event (which has happened) and thenceforward so long as any principal or interest monies should be owing under the said Acts of 1842 and 1844, or either of such Acts, the Great Western Railway Company and the Company by the Act now in recital incorporated (which last-mentioned Company has, by virtue of successive Acts of Parliament, become and is now incorporated with the Great Western Railway Company), or one of them, should, if required by the Severn Commissioners, pay yearly and every year unto the said Commissioners such an annual sum of money as, together with the tolls received by the said Commissioners during the year in respect whereof such payment should be made, would make up and complete the full yearly sum of fourteen thousand pounds:

And whereas the average yearly amount during the three years ending on the thirtieth day of June 1868 of the tolls received by the Severn Commissioners has been the sum of seven thousand seven hundred and forty-two pounds ten shillings and fivepence, and the average yearly amount which the Great Western Railway Company have been liable to pay to the Severn Commissioners in order to make up the full sum of fourteen thousand pounds a year, has during the same three years been the sum of six thousand two hundred and fifty-seven pounds nine shillings and sevenpence, and, subject to the provisions herein-after contained, it is just and expedient that the said railway company should, during the continuance of any debt owing by the Severn Commissioners under the authority of this Act (notwithstanding any increase of their income from tolls after the passing of this Act), continue to pay to the Severn Commissioners a sum not less than such yearly sum of six thousand two hundred and fifty-seven pounds nine shillings and sevenpence:

And whereas it is expedient that certain provisions of the recited Acts should be respectively repealed and amended in manner herein-after contained:

And whereas plans and sections showing the situation, lines, and levels of the improvements and works by this Act authorized, and the limits within which the same are to be constructed, and a book of reference to the plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands in the lines of the proposed works or within the limits of deviation as defined upon the plans, and describing such lands, have been deposited with the clerk of the peace for the county of Gloucester, and those plans, sections, and book of reference are in this Act

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respectively referred to as the deposited plans, sections, and book of reference:

And whereas the said several objects cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Severn Navigation Act, 1869."

8 & 9 Vict. cc. 18. & 20. and 23 & 24 Vict. c. 106. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the temporary occupation of lands near the railway during the construction thereof, are (except where expressly varied by this Act) incorporated with and form part of this Act: Provided that for the purposes of this Act in the said provisions of "The Railways Clauses Consolidation Act, 1845," the word "company" shall mean the Severn Commissioners, the word "railway" shall mean the works by this Act authorized, and the expression "the centre of the railway" shall mean any part of such works.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings as in such Acts respectively, unless there be something in the subject or context repugnant to such construction; and the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Incorporation of Commissioners.

4. The Commissioners acting in execution of the recited Acts and this Act, and their successors for the time being, are hereby incorporated by the name of "The Severn Commissioners," and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property, and to exercise all other powers by the recited Acts, or any of them, given to the Commissioners acting in execution of such Acts.

Seal of Commissioners to be affixed to

5. In all cases in which by the recited Acts, or any of them, the Severn Commissioners, or any specified number of those Com-

missioners, are authorized or required to sign any documents, the seal of the Severn Commissioners shall henceforward in lieu of such signing be affixed to all such documents.

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documents in lieu of their signatures.

6. All property and rights of or to which the Commissioners under the recited Acts, or any person on their behalf, are or is seised, possessed, or entitled at law or in equity at the passing of this Act, shall be by virtue of this Act to the same extent and for the same estate and interest vested in the Severn Commissioners, and may be held, used, and enjoyed accordingly.

Property, &c. vested in Severn Commissioners.

7. All tolls, rates, charges, and penalties at the passing of this Act due and payable to or accruing to or recoverable by the Commissioners under the recited Acts shall be payable to and may be collected, recovered, and enforced by the Severn Commissioners, and all debts due to the Commissioners under the recited Acts, or to any person on their behalf, with all interest (if any) due or to accrue due thereon, shall be paid to the Severn Commissioners, and shall be recoverable by them, and all debts due by the Commissioners under the recited Acts, with all interest (if any) due or to accrue due thereon, shall be paid by the Severn Commissioners, and shall be recoverable from them.

Tolls, &c. to be paid to Commissioners.

8. All officers of and persons employed by the Commissioners under the recited Acts in office or employment at the passing of this Act shall continue in their respective offices and employments as if this Act had not been passed, and shall be deemed to be officers and persons employed by the Severn Commissioners, and they shall have all such powers, rights, and liabilities as if they respectively had been appointed by the Severn Commissioners under this Act.

Officers continued.

9. Notwithstanding the incorporation of the Severn Commissioners, everything before the passing of this Act done or suffered by or with reference to the Commissioners under the recited Acts shall be as valid as if the Severn Commissioners were not incorporated by this Act, and such incorporation and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands both present and future, which, if the Severn Commissioners had not been incorporated and this Act had not been passed, would be incident to and consequent on any and every thing so done or suffered, and the Severn Commissioners shall to all intents and for all purposes represent and be deemed a continuation of the Commissioners under the recited Acts, and the generality of the expressions in this section shall not be restricted by any other of the provisions of this Act.

General saving of rights and liabilities.

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Actions not to abate.

10. Any action, suit, prosecution, or other proceeding commenced before the passing of this Act either by or against the Commissioners acting in execution of the recited Acts shall not abate or be discontinued or prejudicially affected by this Act, but shall continue and take effect in favour of and against the Severn Commissioners incorporated by this Act as the case may require.

Errors and omissions may be corrected by justices, who shall certify the same.

11. If any omission, mis-statement, or erroneous description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands, described on the deposited plans or in the deposited book of reference, the Severn Commissioners, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by such proposed correction, may apply to two justices for the correction thereof, and if it shall appear to such justices that such omission, mis-statement, or erroneous description arose from mistake they shall certify the same accordingly; and they shall in such certificate state the particulars of any such omission, mis-statement, or erroneous description; and such certificate shall be deposited with the clerk of the peace of the county of Gloucester, and shall be kept by such clerk of the peace along with the plans or book of reference to which it relates, and thereupon such plans or book of reference shall be deemed to be corrected according to such certificate, and it shall be lawful for the Severn Commissioners to execute the works in accordance with such certificate as if such omission, mis-statement, or erroneous description had not been made.

Certificate to be deposited.

Copies of plans, &c. to be evidence.

12. True copies of such plans and book of reference, and of any correction thereof or extracts therefrom, certified by such clerk of the peace (which certificate such clerk shall give to all parties interested when required) shall be received in all courts of justice and elsewhere as evidence of the contents thereof.

Execution of Act.

13. This Act shall be put into execution by the Severn Commissioners.

Power to make new works.

14. Subject to the provisions of this Act the Severn Commissioners may, for the improvement of the navigation of the River Severn, make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose. The works herein-before referred to and authorized by this Act are,—

No. 1. A dam or weir across the western channel of the said river in the parish of Maisemore, in the county of Gloucester:

No. 2. A new cut or channel for the said river wholly in the parish of Maisemore aforesaid and near the said dam or weir,

commencing and terminating in the western channel of the said river with a lock in such new cut or channel:

No. 3. A dam or weir across the eastern channel of the said river in the parish of St. Nicholas, and the hamlet or extra-parochial place of Lanthony, otherwise South Hamlet, in the county of Gloucester:

No. 4. A new cut or channel for the said river wholly in the parish of St. Nicholas aforesaid, and near the last-mentioned dam or weir, commencing and terminating in the eastern channel of the said river with a lock in such new cut or channel:

No. 5. A towing-path commencing in the parish of St. Nicholas aforesaid by a junction with the existing towing-path, and terminating in the same parish by a junction with the existing towing-path on the northern side of the said eastern channel:

All necessary and proper locks, dams, weirs, sluices, roads, bridges, drains, culverts, embankments, houses, buildings, works, and conveniences in connexion with or required for the purposes of the before-mentioned works or any of them.

Power of deviation.

15. The Severn Commissioners in making the said works may deviate from the lines thereof delineated on the deposited plans: Provided that no such deviation shall extend beyond the line of deviation marked upon those plans, nor into the lands or property of any person whose name is not mentioned in the said book of reference, without the previous consent in writing of such person, unless the name of such person shall have been omitted by mistake, and the fact that such omission proceeded from mistake shall have been certified in the manner herein-before provided. And the Severn Commissioners may (except as to the dams or weirs) deviate from the levels shown on the deposited sections to any extent not exceeding five feet upwards or five feet downwards.

Dimensions of weirs.

16. The dimensions of the dam or weir No. 1. and the dam or weir No. 3. respectively shall be the following; (that is to say,)

1. The length of the dam or weir No. 1. shall be two hundred feet at the least, and the length of the dam or weir No. 3. three hundred feet at the least:
2. The topmost level of the dam or weir No. 1. shall not be above the level of the seven feet six inches mark on the gauge now upon the lower sill of the entrance lock at Gloucester of the Gloucester and Berkeley Canal:
3. The topmost level of the dam or weir No. 3. shall not be above the level of the seven feet mark on the same gauge:

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4. The topmost level of the dam or weir No. 1. shall be higher than the topmost level of the dam or weir No. 3., and the difference in height between the said dams or weirs shall not exceed six inches.

Provisions of Salmon Fishery Acts to extend to dams, &c.

17. The provisions of the "Salmon Fishery Act, 1861," and of the "Salmon Fishery Act, 1865," and of any Act hereafter to be passed amending the same, shall extend and apply to the dams or weirs authorized by this Act.

As to the Herefordshire and Gloucestershire Canal.

18. If by reason of the construction of the dam or weir No. 1. or of the dam or weir No. 3. any shoal or other obstruction to the navigation shall at any time or times hereafter arise or be caused in the western channel of the said river between the intended lock in the new cut or channel No. 2. and the entrance lock of the Herefordshire and Gloucestershire Canal in the said western channel, whereby the water over any such shoal or other obstruction shall be reduced in depth to such an extent as to impede or obstruct the passage of boats or vessels navigating or about to navigate the said canal, and drawing not more than four feet of water between the said intended lock in the new cut or channel No. 2. and the said entrance lock of the said canal, notice in writing shall thereupon be forthwith given by the clerk, engineer, or other officer of the said Canal Company to the Severn Commissioners, or their clerk or engineer, requiring the said Commissioners in pursuance of the powers given to them by the said recited Acts or some of them, to dredge away or otherwise remove within the space of seven days after the receipt of such notice the said impediment or obstacle to the passage of such boats or vessels as aforesaid, and in case of default by the said Commissioners in removing such impediment or obstacle pursuant to the said notice, the said Commissioners shall by and out of their income from the tolls receivable by them compensate the said Canal Company for any loss of tolls that may be caused by the traffic to and from their said canal being impeded or obstructed as aforesaid, and the amount of such compensation, in case the Severn Commissioners and the said Canal Company cannot agree thereon, shall be settled by an arbitrator to be named by the Board of Trade, but the amount of such compensation shall in no case exceed the rate of ten pounds per day for every day during which such shoal or other obstruction shall continue after default by the Severn Commissioners in removing the same as aforesaid.

For protection of drainage works of

19. Whereas the Tewkesbury Local Board of Health (herein-after mentioned as the "local board") have constructed drainage works having an outfall into the Lower Avon river, and they apprehend

that such works may be injuriously affected by the construction of the weirs by this Act authorized; therefore be it enacted as follows:

1. If the Lower Avon river at the outfall of the drainage works of the local board should at any time during the construction or within two years after the completion of the weirs authorized by this Act (and which are herein-after mentioned as "the said probationary term") be above the level of the bottom of the subsiding tank at such drainage works, so that the river water runs into such tank, and remains there for the time herein-after mentioned, while there are less than eight feet of water on the gauge upon the lower sill of the entrance lock at Gloucester of the Gloucester and Berkeley Canal, the said weirs shall be deemed to be the cause of the river water entering the said tank to the injury of the said drainage works, and the local board shall be entitled to compensation for the same, to be paid by the Severn Commissioners as herein-after mentioned:

2. On every occasion on which the water shall enter the said tank during the said probationary term, and the local board shall attribute the entry thereof to the weirs authorized by this Act, they shall immediately give notice in writing of the fact to the lock-keeper of the Severn Commissioners at the Upper Lode locks near Tewkesbury, or leave such notice for him at his dwelling house at the said locks, so that he may be enabled to ascertain the fact and time of the entry of the water into the said tank, and the cause of such entry, and no claim shall be made in respect of the state of the water in such tank at any time more than one hour before any such notice shall be given or left as aforesaid:

3. No claim for compensation shall arise in respect of any occasion on which the water in the Lower Avon river at the outfall of the said drainage works, when raised in manner aforesaid, shall not remain above the level of the bottom of the said tank for the space of six hours in the day (namely, between six o'clock in the morning and six o'clock in the evening), or for the space of twelve hours in the night (namely, between six o'clock in the evening and six o'clock in the morning), or for the space of twelve hours partly in the day and partly in the night, and on which there shall be less than eight feet of water on the gauge upon the lower sill of the entrance lock at Gloucester of the Gloucester and Berkeley Canal during the whole of the said space of six hours or twelve hours, as the case may be:

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4. The compensation payable during the said probationary term shall be one pound per day for every day on which, under the circumstances aforesaid, the water shall be raised so as to enter the said tank and remain therein for the time hereinbefore mentioned:

5. In case the compensation shall become payable in respect of more than twelve days during the said probationary term, it shall be deemed that the said weirs have permanently damaged the said drainage works, and in order to enable the local board to reconstruct such works, so as to remedy the injury done to them, the Severn Commissioners shall, within three calendar months after the expiration of the said probationary term, pay to the local board the sum of six hundred and fifty pounds in full settlement of all compensation for such damage, and of all costs payable by the Severn Commissioners to the local board:

6. In case the water shall not under the circumstances aforesaid be raised so as to enter the said tank and remain therein for the time aforesaid on twelve days during the said probationary term, then at the expiration of such term all the provisions herein contained with reference to compensation to the local board shall absolutely cease:

7. In any case in which the water of the Lower Avon river shall enter the said tank in consequence of the raising of the level of the water in such river opposite the outfall of the said drainage works by the opening of the sluices at the Tewkesbury Abbey Mills on the said Lower Avon river for any purpose other than the ordinary working of the three large water wheels now used at the said mills or by water coming down the stream called the Swillgate (which falls into the said river above the said drainage works) when the depth of the water over the weir in the Swillgate near the said drainage works shall be six inches or upwards, and not arising from the raising of the level of the River Severn by the construction of the said weirs, the Severn Commissioners shall not be held liable for the same, and no claim shall be made on them for compensation in respect thereof:

8. The local board shall erect and maintain a gauge in the Lower Avon river at or as near as conveniently may be to the outfall of their said drainage works, and the level of the bottom of the said tank shall be clearly marked thereon under the direction of the engineer of the local board and the engineer of the Severn Commissioners, and during the said probationary term the Severn Commissioners and their officers and servants shall be allowed free access to the said

gauge and also to the said tank to ascertain the height of the water therein, and to take any measurements, and for any like purposes:

9. In case the gauge now upon the lower sill of the entrance lock at Gloucester of the Gloucester and Berkeley Canal shall, at any time during the said probationary term, be destroyed or defaced, the Severn Commissioners shall immediately thereafter erect and maintain a gauge corresponding therewith in all particulars and as near as conveniently may be thereto, on which gauge shall be clearly marked, under the directions of the engineers aforesaid, the height of the water upon the sill of the last-mentioned lock, and the said local board and their officers and servants shall be allowed free access to the said gauge to ascertain the height of the water upon the sill of the said lock, and to take measurements, and for other purposes:

10. If any dispute shall arise respecting any of the matters provided for by this section, the same shall be referred to an arbitrator to be agreed upon between the local board and the Severn Commissioners, or failing such agreement, to an arbitrator to be appointed by the Board of Trade on the application of either party, and the decision of the arbitrator so agreed upon or appointed shall be final and conclusive.

Commissioners not to take or acquire lands, &c. of railway companies without consent.

20. Unless with the consent in writing of the Great Western Railway Company under their common seal, the Commissioners shall not acquire or take any lands, works, or property of the Great Western Railway Company and the Gloucester and Dean Forest Railway Company, or either of them.

The Commissioners to afford the Gloucester and Dean Forest Railway Company and the Great Western Railway Company facilities to repair certain bridges.

21. The Severn Commissioners shall at all times, after the construction of the dam or weir number three and the new cut or channel number four, described in this Act, or either of them, afford to the Gloucester and Dean Forest Railway Company and the Great Western Railway Company, or either of them, if required to do so in writing under the hand of the principal engineer or engineers of the said companies, or either of them, reasonable facilities, by the contractors, workmen, agents, or servants of the said companies, or either of them, to repair the foundations or piles of the bridge which carries the branch railway of the Gloucester and Dean Forest Railway Company to the docks at Gloucester over the River Severn, and also the foundations or piles of the bridge which carries the main line of the Gloucester and Dean Forest Railway over the said river, and in the event of any difference between the said Commissioners and the said companies, or either of them, as to the facilities to be afforded as aforesaid, the same

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shall be referred to and determined by arbitration, in the manner provided for the settlement of disputes by arbitration by "The Railway Companies Arbitration Act, 1859," and for the purposes of such arbitration the said Commissioners shall be treated and considered in every respect as if they were a railway company.

Plans of works to be deposited for approval of Board of Trade.

22. Previously to commencing any works under this Act the Commissioners shall deposit at the office of the Harbour Department of the Board of Trade plans, sections, and working drawings of such works, and of any works connected therewith, for the approval of the Board of Trade, such approval to be signified in writing under the hand of one of the secretaries of the Board of Trade, and such works shall be constructed only in accordance with such approval.

Lights to be exhibited during construction of works.

23. The Commissioners shall, during the whole time of the constructing, altering, or extending of any of the works authorized by this Act which are situated below high-water mark of the River Severn, exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve.

Works affecting tidal waters abandoned may be removed by the Board of Trade at expense of Commissioners.

24. If any work which hereafter may be executed or constructed by the Severn Commissioners under the authority of this Act in, under, over, or across, or affecting the River Severn, or any portion of any such work, shall be abandoned or suffered to fall into disuse or decay, it shall be lawful for the Board of Trade to abate and remove the same, or such part or parts thereof as they may at any time or times deem fit and proper to abate or remove, and to restore the site thereof to its former condition at the cost and charge of the Severn Commissioners, and the amount thereof shall be a debt due from the Severn Commissioners to the Crown, and be recoverable accordingly with costs of suit.

Powers for compulsory purchases limited.

25. The powers of the Severn Commissioners for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

26. On the expiration of five years from the passing of this Act the powers by this Act granted to the Severn Commissioners for executing the works shown on the deposited plans, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said works as shall then be completed.

Commissioners may relinquish part of existing channel.

27. Upon the completion of any of the intended new cuts or channels, the Severn Commissioners may discontinue the use for purposes of navigation and may relinquish the maintenance of so much of the present course or channel of the River Severn as may be rendered unnecessary by the construction of the new cut or channel so completed.

Provision as to towing-path.

28. And whereas the towing-path so to be made as aforesaid will to a certain extent supersede a portion of the towing-path now belonging to or used by the Company of Proprietors of the Gloucester and Worcester horse towing-path: Be it therefore enacted that the towing-path so to be made as aforesaid shall be made and completed to the satisfaction of the surveyor of the said Company of proprietors, and that while such towing-path is in progress the Severn Commissioners shall make due provision for the traffic on the existing towing-path, so that such traffic shall not be impeded, and the towing-path so to be made as aforesaid shall be and be deemed to be a towing-path in lieu of and in substitution for the portion of the existing towing-path so to be superseded as aforesaid; and that the said Company of proprietors shall have the same power of passing over and using and of asking, demanding, taking, and recovering such rates and duties in respect of the towing-path so to be made as aforesaid as they possess or possessed in respect of the portion of the existing path for which the towing-path authorized by this Act will be substituted, and that the said Company of proprietors shall have the free use of the towing-path so to be made as aforesaid without paying any rent or other allowance to the Severn Commissioners for the same.

Extension of limits within which Commissioners may improve river.

29. The powers conferred upon the Severn Commissioners by section 142 of "The Severn Navigation Act, 1842," for improving and maintaining the navigation of the River Severn, within the limits therein mentioned, are hereby extended and made applicable to that portion of the eastern channel of the said river which is situate between the entrance lock of the Gloucester and Berkeley Canal at Gloucester and the point in the said river known as the Lower Parting at Portham Mead, as if the said portion of river had been comprised and described in that section.

Tolls not to be taken in respect of extended limits.

30. It shall not be lawful for the Severn Commissioners to demand, take, or recover any tolls in respect of the limits to which their powers are extended by this Act, but it shall be lawful for the Commissioners to demand and receive at the locks authorized by this Act any tolls payable under the recited Acts or any of them.

Commissioners may dispose of materials dredged, &c.

31. The Severn Commissioners (subject to the provisions of this Act) may use, or sell and dispose of, in such manner as they think proper, the rock, stones, gravel, sand, soil, brick, clay, and other materials dug or dredged by them in the execution and maintaining of their works.

Power to borrow on mortgage the

32. The Severn Commissioners may from time to time borrow at interest on the credit of the tolls by the recited Acts and this

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further sum of 20,000*l.*

Act granted, and other property vested in such Commissioners, any further sums of money (in addition to the said sum of one hundred and eighty thousand pounds) not exceeding in the whole the sum of twenty thousand pounds, and in the event of any part of such sums of money being called in by the person to whom the same may be due, the said Commissioners may reborrow the same, and so toties quoties, but so nevertheless that there shall not be owing on the security of the said tolls and property any more than the sum of two hundred thousand pounds in the whole at any one time; and for securing the repayment of the monies so borrowed, with interest, the said Commissioners may mortgage the said tolls and property, and all mortgages or transfers to be made pursuant to this Act may be in the respective forms contained in the schedule to this Act annexed, or to the like effect: Provided always, that whenever any part of the said sum of twenty thousand pounds shall have been repaid by the said Commissioners out of their surplus income, as herein-after mentioned, the same shall not be reborrowed.

Priority of existing mortgages.

33. All mortgages granted by the Severn Commissioners in pursuance of the powers of any of the recited Acts, and which shall be subsisting at the time of the passing of this Act, and all mortgages which under the powers of any of the recited Acts shall be granted in lieu of any such mortgage or on the reborrowing of any money secured thereby, shall, during the continuance of such mortgages (subject to the provisions in this Act contained relating to the application of the income of the Commissioners), have priority over any mortgages to be granted by virtue of this Act.

Application of monies borrowed by Severn Commissioners.

34. All monies authorized to be borrowed under the provisions of this Act shall be applied for or towards the purposes of the recited Acts and this Act only.

Mortgages under this Act to be without preference.

35. All persons to whom any mortgages shall be made under the powers of this Act, or who shall be entitled to the monies thereby secured, shall be entitled one with another to their respective proportions of the tolls, sums, and premises comprised in such mortgages according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another in respect of the priority of advancing such monies, or of the date of any such mortgage, or of the meeting at which the same was authorized.

Advances of money to

36. The Staffordshire and Worcestershire Canal Company and the Gloucester and Berkeley Canal Company (herein-after mentioned

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Commissioners by canal companies.

as "the two companies"), or either of those companies, from time to time may contribute and pay to the Severn Commissioners, for or towards the execution of the works by this Act authorized, or may advance and lend to the Severn Commissioners, either without interest or at such rate of interest not exceeding five pounds per cent. per annum as may be from time to time agreed on, (so that the interest accruing in any year which the increase of tolls during that year shall not suffice to pay shall not accumulate as a debt payable out of the increase of tolls in any subsequent year,) the whole or any part of the sum of twenty thousand pounds by this Act authorized to be borrowed, and may accept as security for any monies that may be so lent, and the interest thereon, such mortgages as by this Act the Severn Commissioners are authorized to grant to persons advancing money on the security of the tolls by the recited Acts and this Act granted and other property.

Guarantee of loans to Commissioners by canal companies.

37. The two companies, or either of them, from time to time, in lieu of contributing or lending money to the Severn Commissioners, as herein-before provided, may, at the option of such companies respectively, guarantee and secure to any corporation or persons from time to time hereafter lending any money to the Severn Commissioners upon the security of the said tolls and property or any part thereof, the repayment of the money so lent or any part thereof, with the interest thereon or any part thereof, or the payment of such interest or any part thereof, or the payment for any specified period of such interest or any part thereof, and any such guarantee may be in the form or to the effect contained in the schedule to this Act; provided that the total amount so guaranteed shall not exceed the principal sum of twenty thousand pounds and interest thereon, and the amount of interest so guaranteed shall not exceed the rate of five pounds per centum per annum.

Sanction of shareholders to advance and guarantee.

38. No such contribution or advance of money or guarantee of principal and interest or of interest shall be made by either of the two companies without the sanction of three fifths of the votes of the shareholders of such company present, personally or by proxy, at a meeting specially convened for the purpose by advertisement, to be inserted once in each of two successive weeks, in some one and the same morning newspaper published in London six days in the week, and in some one and the same newspaper published in the county in which the principal office of such company shall for the time being be situate, and also by a circular, stating the objects of the meeting, to be addressed to each proprietor for the time being in such company at his place of abode or business, as stated in the books of such company, and if no such place be stated in the

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books, then at the place to which the dividends last received by him were remitted, and posted at least twenty-one days before the holding of such meeting, and such meeting shall be held not less than seven days after the last publication of such advertisement, anything in any Acts incorporating or regulating such company to the contrary notwithstanding; and a declaration in conformity with the provisions of the Act 5 and 6 William the Fourth, chapter 62, for the abolition of unnecessary oaths, to be made and subscribed by the secretary or clerk of such company before any justice of the publication of such advertisement, and the issue of such circulars, in manner aforesaid, shall be sufficient evidence of the fact of such meeting having been duly convened.

Application of funds by companies.

39. The two companies, or either of them, from time to time may appropriate and apply for the purposes by this Act authorized such parts of their respective corporate funds as may not be required for the purposes of their respective undertakings.

Power to companies to raise money.

40. The two companies, or either of them, may from time to time raise for the purposes by this Act authorized any sums of money, not exceeding in the whole the sum of twenty thousand pounds, by the creation and issue of new ordinary shares or stock, and new preference shares or stock, in their respective capitals, or by borrowing on mortgage of their respective undertakings, or by the creation and issue of debenture stock, or (at the option of the company so raising money) by any of those modes.

As to mode of raising money by companies.

41. With respect to the following matters, (that is to say,)

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions, and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of the shares into stock;

The general meetings of the Company, and the exercise of the right of voting by the shareholders;

The making of dividends; and

The giving of notices,

the provisions contained in the Acts respectively relating to the Staffordshire and Worcestershire Canal Company and the Gloucester and Berkeley Canal Company shall extend and apply to the additional capital which those companies are by this Act authorized to raise, and Parts II. and III. of "The Companies Clauses Act, 1863," shall also extend and apply to such additional capital.

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Mode of borrowing by canal companies.

42. The clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the borrowing of money by the Company on mortgage, and with respect to the conversion of borrowed money into capital, shall be incorporated with this Act, and shall extend and apply to all mortgages granted and monies borrowed by the Staffordshire and Worcestershire Canal Company under the authority of this Act; and the powers given by the clauses and provisions of that Act to or to be exercised by directors, and also given by this Act (except those powers to which the sanction of a general meeting is expressly required), may be exercised by the committee of management for the time being of the same Company; and in the said clauses and provisions the expression "the special Act" shall mean this Act, and the expression "the Company" shall mean the Staffordshire and Worcestershire Canal Company; and the clauses and provisions contained in the Acts relating to the Gloucester and Berkeley Canal Company with respect to the borrowing of money on mortgage, and with respect to the conversion of borrowed money into capital, shall be incorporated with this Act, and shall extend and apply to all mortgages granted and monies borrowed by the Gloucester and Berkeley Canal Company under the authority of this Act.

Shares not to issue until one fifth paid up.

43. Neither of the two companies shall issue any share or stock under the authority of this Act, nor shall any share or stock vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share or stock shall have been paid in respect thereof.

Application of monies raised by the companies.

44. All monies which either of the two companies may raise under the powers of this Act shall be applied only for the purposes by this Act authorized.

Application of monies repaid to the companies.

45. All monies which shall be paid by the Severn Commissioners to the two companies, or either of them, in repayment of the said principal sum of twenty thousand pounds, or any part thereof, shall be applied by the company receiving the same in or towards redeeming and paying off the shares, stock, mortgages, or debenture stock created by such company for raising money to advance to the Severn Commissioners under the authority of this Act.

Annual payments by Great Western Railway Company not to be diminished.

46. Except as herein-after provided, so long as any part of the sum of twenty thousand pounds authorized by this Act to be raised by the Severn Commissioners shall be owing by them, the sums to be paid by the Great Western Railway Company to the Severn Commissioners under "The Oxford, Worcester, and Wolverhampton Railway Act, 1845," and the agreement confirmed by section 49 of "The Great Western Railway Act, 1868," or either of them, shall, notwithstanding any increase in the annual amount of the tolls

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received by the Severn Commissioners after the passing of this Act, be not less than the sum of six thousand two hundred and fifty-seven pounds nine shillings and sevenpence per annum, and if in any year the tolls received by the Severn Commissioners shall be less than seven thousand seven hundred and forty-two pounds ten shillings and fivepence the Great Western Railway Company shall continue liable under the same Acts and agreement, or either of them, to pay and shall pay to the Severn Commissioners such a sum of money as, together with the tolls received by the Severn Commissioners during such year, will make up and complete the full sum of fourteen thousand pounds: Provided that after the repayment of all monies borrowed by the Severn Commissioners under the authority of this Act, the provision herein-before contained as to the payment by the Great Western Railway Company to the Severn Commissioners of a sum not less than six thousand two hundred and fifty-seven pounds nine shillings and sevenpence per annum shall cease and be void, and that Company shall continue liable to pay to the Severn Commissioners only such sums as they would be liable to pay under or by virtue of "The Oxford, Worcester, and Wolverhampton Railway Act, 1845," and the said agreement: Provided also, that, notwithstanding anything in this Act contained, so soon as the whole of the principal sum of one hundred and eighty thousand pounds referred to in the said agreement, and all interest thereon, shall have been paid or satisfied in the manner provided for in the said agreement, and notwithstanding that the mortgages to be given to the Great Western Railway Company for securing one hundred thousand pounds as therein mentioned, or any of them, shall still be subsisting and unpaid, the liability of the Great Western Railway Company under "The Oxford, Worcester, and Wolverhampton Railway Act, 1845," and under the said agreement, or either of them, to make up the income of the Severn Commissioners to the annual sum of fourteen thousand pounds, or to any other annual sum, shall thenceforward cease absolutely and for ever.

Application of income by the Commissioners.

47. Notwithstanding anything contained in the said recited Acts or any of them, or in "The Great Western Railway Act, 1868," or in schedule C. to the last-mentioned Act, the annual income to be received by the Severn Commissioners, including the yearly or other sums to be thenceforth paid to them by the Great Western Railway Company, under "The Oxford, Worcester, and Wolverhampton Railway Act, 1845," "The Great Western Railway Act, 1868," and the last preceding section of this Act, shall (subject as herein-after provided) be applied as follows; (that is to say,)

First. In payment of any expenses incurred or which may hereafter be incurred by the Severn Commissioners under the

recited Acts and this Act, and in maintaining and keeping the navigation of the River Severn in manner provided by the same Acts, or any of them, but not including in such expenses the construction of any works authorized by this Act:

Secondly. In payment of interest accruing subsequently to the sixteenth day of March one thousand eight hundred and sixty-eight, and not already paid, on the said sum of one hundred and eighty thousand pounds, or so much thereof as shall for the time being remain owing:

Thirdly. In repaying the said principal sum of one hundred and eighty thousand pounds.

Application of tolls in excess of 7,742*l.* 10*s.* 5*d.* per annum.

48. Provided always, that during such time as any money shall remain due on any mortgage made under this Act, all tolls received by the Severn Commissioners after the passing of this Act, in every twelve months ending on the thirtieth day of June, and being in excess of the sum of seven thousand seven hundred and forty-two pounds ten shillings and fivepence, shall be applied as follows; (that is to say,)

First. In payment of interest on the sum of twenty thousand pounds to be raised under this Act, or so much thereof as shall for the time being remain owing:

Secondly. One moiety of the balance towards repaying the principal of such sum of twenty thousand pounds, and the other moiety thereof towards repaying the said principal sum of one hundred and eighty thousand pounds.

Commissioners may make contracts with companies.

49. The Severn Commissioners on the one hand, and the Staffordshire and Worcestershire Canal Company and the Gloucester and Berkeley Canal Company, or either of them, on the other hand, may from time to time enter into, make, and carry into effect all such contracts and arrangements as shall be from time to time agreed on for and with respect to the purposes by this Act authorized or any of them: Provided always, that no provision shall be contained in any such contract or arrangement that shall prejudice the rights of any of the said companies who shall not be parties thereto.

Certain provisions of 5 & 6 Vict. c. xxiv. extended to this Act.

50. The following sections of the "The Severn Navigation Act, 1842," (that is to say,)

Section 21, vesting in the Commissioners lands purchased, and buildings, cuts, works, engines, implements, materials, goods, articles, and things;

Sections 22 and 23, relating to contracts, except so much of section 23 as requires that contracts shall be signed by three of the Commissioners;

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Section 24, relating to the property in works done under contracts and in the materials for the same;

Section 25, relating to the mode of preferring any bill of indictment;

Section 26, exempting the Commissioners from personal liability;

Sections 35, 36, and 37, relating to the accountability of officers, and proceedings against them on failing to account;

Sections 45, 46, 47, 48, and 49, relating to mortgages and assignments of mortgages, and to registers of mortgages (except so much of section 47 as prescribes a form of transfer of mortgages);

Section 50, empowering the Commissioners to borrow money at a lower rate of interest to pay off securities;

Section 51, prescribing the mode of paying off mortgages;

Section 146, for preventing obstructions or delay by the works;

Section 147, relating to attendance at the locks;

Section 189 (as amended by this Act) and section 190, relating to regulations as to tolls and distance posts;

Sections 194 and 195, as to exemption from tolls on goods laden two miles above Gladder or Whitehouse Brook;

Section 196 (as amended by this Act), exempting boats laden with manure from tolls;

Section 197, directing masters of boats to give an account of lading;

Sections 199 and 200, relating to the reduction and advancement of the tolls;

Sections 201, 202, 203, 204, 205, 206, 207, 208, and 209, as to the taking and recovery of tolls;

Sections 210, 211, 212, 213, 214, 215, 216, and 217, relating to byelaws;

Sections 218, 219, 220, and 221, relating to damage and obstructions caused by boats, and the weighing up of sunken boats;

Sections 222, 223, 224, 225, 229, 230, 231, 232, 233, 234, 235, and 236, relating to penalties and damages, and the publication, recovery, and application of penalties;

Section 226, relating to inquiries before justices;

Sections 227 and 228, relating to the recovery of money from the Commissioners, and the reimbursement of their treasurer;

Section 237, relating to transient offenders;

Section 238, relating to forms of conviction;

Section 239, relating to informalities in proceedings;

Sections 240 and 241, relating to distresses;

Sections 242 and 243, relating to appeals;

Section 244, exempting the river and works from the control of any commissioners of sewers, and from laws or statutes relating to sewers; and,

Section 257, being the interpretation clause,

shall extend and apply to this Act, and the objects and purposes of this Act, as fully and effectually as if those sections were re-enacted in this Act with especial reference to the objects and purposes of this Act, and to the extended jurisdiction conferred by this Act.

Annual general meeting to be held on second Monday in August.

51. The general meeting of the Severn Commissioners shall be held on the second Monday in August annually instead of on the second Monday in September, as directed by section 7 of "The Severn Navigation Act, 1844."

Sect. 14 of 7 & 8 Vict. c. x. to apply to the Great Western Railway Company.

52. The provisions of section 14 of "The Severn Navigation Act, 1844," shall extend and apply to the election of Commissioners by the Great Western Railway Company as fully and effectually as if the last-mentioned Act had been expressly referred to in section 50 of "The Great Western Railway Act, 1868."

Engineer, accountant, and others to have the custody of certain plans, books, &c.

53. Notwithstanding anything in section 8 of "The Severn Navigation Act, 1842," contained, the engineer, accountant, and other officers of the Commissioners shall during the pleasure of the Commissioners have the custody of such of the plans, books, and documents belonging to the Commissioners as relate to their respective duties, and as may from time to time be entrusted to them by the Commissioners.

Notices, &c. may be written or printed.

54. Notwithstanding anything in the recited Acts or any of them contained, any summons, demand, or notice, or other such document required thereby to be given may be wholly in writing or wholly in print, or partly in writing and partly in print, and any byelaw, penalty, rate of toll, notice, or other matter whatsoever required to be published by being painted on a board may in lieu thereof be printed upon paper and pasted on a board.

Accounts to be kept by accountant, and to be audited.

55. The accounts of all monies received and expended by the Severn Commissioners shall be kept by the accountant, or other person or persons from time to time appointed by the Commissioners for that purpose, and such accounts shall once at least in every year be examined and audited by an auditor or auditors appointed by the Commissioners for that purpose.

Annual abstract of accounts to be prepared and audited.

56. Fourteen days at least before the annual meeting in every year the Commissioners shall cause an abstract to be made of their accounts for the year ending on the thirtieth day of June previously, or some other convenient day in such year, and shall show in such abstract under suitable heads the total receipt and expenditure of

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all funds levied and received by virtue of the said recited Acts and this Act, or any of them, for such year, and also all debts then owing by the Commissioners, and they shall cause such abstract to be examined and compared by the auditor or auditors with the items comprised in the said accounts, and if such abstract shall be found just and true the auditor or auditors shall allow and certify the same accordingly, and the same shall thereupon be signed by the clerk of the Commissioners.

Publication of abstract of accounts.

57. Seven days at least before the annual meeting in every year the Commissioners shall cause the abstract of the accounts for the previous year to be printed, and shall allow the same to remain for inspection at the office of the Commissioners, and all persons may at all reasonable times inspect the same upon paying the sum of one shilling for every such inspection, and the clerk shall, on demand, furnish a printed copy thereof to every creditor of the Commissioners without fee, and the Commissioners shall cause such abstract to be published in some newspaper of each of the counties of Gloucester and Worcester seven days at least previous to the annual meeting of the Commissioners, and shall state in the notice of such meeting to be given pursuant to section 14 of "The Severn Navigation Act, 1842," that the said abstract is at the office of the Commissioners ready for the inspection of the creditors or other parties interested therein; and a printed copy of the said abstract shall be sent to every Commissioner with the notice of the annual meeting; and at such annual meeting, or at any adjournment thereof, it shall be lawful for all persons interested to be present.

Accounts to be examined and settled at the annual meeting, and to be final unless appealed from.

58. At the annual meeting of the Commissioners the abstract of the accounts for the previous year shall be produced, and shall be examined and settled by the Commissioners, and if the same shall be found just and true it shall be allowed by the Commissioners, and certified accordingly under the hand of the chairman of such meeting; and after such abstract shall have been so allowed and certified by the chairman of such meeting, the accounts of which the same is an abstract shall be final in regard to all persons whomsoever, unless an appeal be prosecuted against such accounts at one of the two then next general quarter sessions of the peace for the county of Worcester, which appeal it shall be lawful for any person interested in such account to institute and prosecute on giving notice in writing of such appeal, stating the grounds thereof, to the clerk of the Commissioners fourteen days at least before the hearing of any such appeal.

Abstract of accounts to be trans-

59. The Commissioners shall, within fourteen days after the annual meeting in every year, cause a copy of the abstract of

accounts, certified at such meeting, to be transmitted, free of charge, to the respective clerks of the peace for the counties of Gloucester and Worcester, which abstract shall be open to the inspection of the public at all seasonable hours on payment of the sum of one shilling for every such inspection: Provided always, that if the said Commissioners shall omit to prepare and transmit such abstract as aforesaid they shall forfeit for every such omission the sum of twenty pounds.

mitted to clerks of the peace.

60. The said Commissioners shall, within fourteen days after the annual meeting in every year, cause a copy of the abstract of accounts certified at such meeting to be transmitted, free of charge, to the Great Western Railway Company, and the said railway company shall not be entitled by virtue of section 102 of "The Oxford, Worcester, and Wolverhampton Railway Act, 1845," or otherwise, to any further or other account of the application of the sums of money paid by the said railway company to the said Commissioners under that Act, except that within ten days after the whole or any part of any such sum of money shall have been applied by the said Commissioners in paying off any mortgage, an account of such payment shall be transmitted by the Commissioners to the said railway company.

Abstract of accounts to be transmitted to the Great Western Railway Company.

61. The following sections and parts of sections of "The Severn Navigation Act, 1842," are hereby repealed; that is to say,

Section 10, as to the committee of works:

Sections 27 and 29, as to actions by or against the Commissioners:

Sections 39, 40, and 41, as to the accounts of the Commissioners:

So much of section 152 (prohibiting the Severn Commissioners from interfering with the river within certain limits) as relates to that part of the eastern branch of the said river which is between the entrance lock of the Gloucester and Berkeley Canal and the Lower Parting:

Section 156, as to works affecting Maisemore Shoal:

So much of section 189 as relates to what shall be deemed a ton weight of timber or light goods.

Repeal of certain provisions of Severn Navigation Acts.

62. The several sections of "The Severn Navigation Act, 1842," and "The Severn Navigation Act, 1844," respectively herein-after mentioned are hereby altered and amended in the several particulars herein-after specified; that is to say,

The notice by section 3 of "The Severn Navigation Act, 1842," directed to be given by the clerk of the Commissioners shall be so given within seven days after the death or other fact therein mentioned shall have come to his knowledge:

Certain sections of existing Acts amended.

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In section 5 of the same Act, the words "at any subsequent meeting" shall be substituted for the words "at their next meeting:"

Section 14 of the same Act shall apply only to meetings of the Severn Commissioners, and not to meetings of any committee appointed by the Severn Commissioners:

In section 38 of the same Act the word "accountant" shall be substituted for the word "clerk:"

At the end of section 186 of the same Act there shall be added the words "on all steam tugs hauling any vessel navigating "the said river between the limits aforesaid, and carrying "passengers for pay or hire, and on the vessel so hauled, a "toll per mile not exceeding one farthing per ton on the "registered tonnage of such steam tug and vessel:"

At the end of section 196 of the same Act there shall be added the words "but the word manure in this section shall in-"clude only farmyard and stable manure and the refuse of "towns:"

Section 201 of the same Act shall be read and construed as if the words "to be annexed to the account or list of tolls" had been omitted therefrom:

At the end of section 13 of "The Severn Navigation Act, 1844," there shall be added the words "and if no Commissioner shall "attend such meeting the same shall stand adjourned until the "following day at the same hour and place:"

and the several sections herein-before specified shall henceforward be read and construed with the amendments herein-before mentioned in relation thereto.

Repeal and amendments to be without prejudice.

63. The repeal and amendments of the recited Acts in this Act contained shall be without prejudice to any act or thing heretofore done or suffered, or to any proceedings now pending or hereafter to be taken under or by virtue of the same Acts.

Commissioners not exempt from Acts relating to merchant shipping.

64. Nothing in this or the recited Acts contained shall be deemed or construed to exempt the Severn Commissioners from the provisions of any general Act relating to merchant shipping now in force, or which may hereafter pass during this or any future session of Parliament.

Saving rights of the Crown in the foreshore.

65. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorize the said Commissioners to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the previous consent in

writing of the Board of Trade, on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her heirs or successors. A.D. 1869.

Expenses of Act.

66. The costs, charges, and expenses preliminary to, and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Severn Commissioners out of any monies coming to their hands under the recited Acts or this Act.

The SCHEDULE referred to in this Act.

Form of Mortgage Deed.

The Severn Commission.

Mortgage No.

By virtue of "The Severn Navigation Act, 1869," the Severn Commissioners, in consideration of the sum of pounds paid to them by *A.B.* of do assign unto the said *A.B.*, his executors, administrators, and assigns, all the tolls and sums of money arising by virtue of "The Severn Navigation Act, 1842," and all property vested in the Severn Commissioners, and all the estate, right, title, and interest of the said Commissioners in the same, to hold unto the said *A.B.*, his executors, administrators, and assigns, until the said sum of pounds, together with interest for the same at the rate of pounds for every one hundred pounds by the year, computed from the day of the date hereof, be satisfied; the principal sum to be repaid at the end of years from the date hereof [*in case any period be agreed on for that purpose*].

Given under the common seal of the Severn Commissioners this day of in the year of our Lord one thousand eight hundred and .

Form of Transfer of Mortgage.

I *A.B.* of in consideration of the sum of pounds paid to me by *G.H.* of do hereby transfer to the said *G.H.*, his executors, administrators, and assigns, a certain mortgage, number made by the Severn Commissioners under the authority of "The Severn Navigation Act, 1869," to the said bearing date the day of for securing the sum of pounds and interest [*or if such transfer be by endorsement*, "the within security"], and all my right, estate, and

interest to and in the money thereby secured, and to and in the tolls and property thereby assigned. A.D. 1869.

In witness whereof I have hereunto set my hand and seal this day of one thousand eight hundred and

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Form of Guarantee.

We do hereby, for ourselves and our successors, contract and agree with his executors, administrators, and assigns, that in case default shall be made by the Severn Commissioners in the payment of the sum of lent and advanced by the said [*insert name of person making the advance*] to the Severn Commissioners, with the interest thereon, we will on the part and in the stead of the said Commissioners pay so much of the said principal or interest money, or of both, as the said Commissioners shall not pay.

Given under our common seal this day of one thousand eight hundred and

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