



ANNO QUADRAGESIMO SEXTO

GEORGI III. REGIS.

Cap. 45.

An Act for taking down and re-building the Bridge across the River *Severn* at *Gloucester*, called *The Westgate Bridge*, and for opening convenient Avenues thereto. [23d May 1806.]

WHEREAS the Bridge across the River *Severn* at *Gloucester*, called "*The Westgate Bridge*," is very ancient, and from the Violence of the Floods hath been so greatly injured as to be rendered dangerous to Travellers, Carriages, and Cattle, and the Arches thereof are narrow and inconvenient; and in order to make the Passage over the said Bridge and the Navigation under the same safe and convenient, it is necessary that the said Bridge should be taken down, and a new one erected at or near the Place where the present Bridge now stands; and that the Avenues or Approaches leading thereto should be widened, formed, and rendered more commodious: But the same cannot be effected without the Aid and Authority of Parliament; May it therefore please Your Majesty, That it may be enacted; And be it enacted by the King's 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 the Mayor, Aldermen, and Common Council of the City of *Gloucester* for the Time being, the Dean and Chapter for the Time being of the Holy and Indivisible Trinity in *Gloucester*, *John Ady*, Pinmaker; *Sir Thomas Crawley Boevey*, Baronet; *Martin Barry*, *Joseph Baylis*, *William Bushell*, Clerks; *William Barton*, *William Smith Bartlett*, *William Bishop*, *Newton Brabant*, *James Buchanan*, *John Cook*, Wine Merchant; *Richard Chander*, *John Collier*, *Samuel Colborne*, *Shadrach Charleton*, *Richard Brown Cheston*, Doctor of Physic; *Joseph Bonnor Cheston*, *Joseph Chester*, Clerks; *Daniel Cox*,
[Loc. & Per.] 10 K Ben.

Benjamin Claxson, William Cother, Charles Church, John Cooper, Thomas Davis, Charles Evans, Anthony Ellis, Joshua Ellis, Charles Elmes, John Elton, William Fendall, Sir William Guise, Baronet; William Gyllett, Clerk; Giles Greenaway, William Griffith, William Grafton, Pettate Gardiner, George Dineley Goodyere, Henry Howard, John James Hough, William Holt, Richard Helps, George Harmar, William Herbert, William Gwinnett Hornedge, Clerk; Sir Edwin Jeynes, Knight; Samuel Jeynes, John Jefferis, James Jelf, Samuel Jones, William Jones, Edward Jones, Clerk, Thomas Jenkins, Ebenezer King, Thomas Mee, Robert Morris, William Morris, Robert Morris, the Younger; William Montague, Joseph Mills, John Mountain, Philo Maddy, Thomas Mutlow, Richard Nayler, Noah Neale, Thomas Okey, Charles Palmer, Clerk; John Pytt, John Phillpots, John Phillpots, Junior; Thomas Palin, William Price, John Parker, Charles Parker, William Professor, Thomas Quarington, Thomas Rudge, Clerk; William Edward Rogers, John Read, William Read, Richard Raikes, Clerk; Robert Raikes, Samuel Ricketts, William Roberts, Doctor of Physic; James Sadler, Benjamin Sadler, Abraham Saunders, David Arthur Saunders, John Michael Saunders, Henry Charles Selwyn, Richard Solloway Skillern, Clerk; John Spillman, Edmund Stock, Merrott Stephens, John Merrott Stephens, John Turner, Thomas Turner, Charles Brandon Trye, John Tovey, Hugh Taylor, William Viner, Samuel Woodcock, Robert Pleydell Wilton, Henry Wilton, John Pleydell Wilton, James Wintle, John Wintle, James Wood, Edward Weaver, Charles Weaver, John Washbourne, George Washbourne, Silversmith; Thomas Washbourne, William Washbourne, Daniel Willey, David Walker, John White, George Watson, and their Successors to be elected in Manner herein directed, shall be and they are hereby declared to be Trustees for carrying this Act into Execution.

No Act of the Trustees valid unless at a Meeting.

Majority empowered to act.

Chairman to have the casting Vote.

Power to appoint new Trustees.

II. And be it further enacted, That no Act of the said Trustees shall be or be deemed to be good, valid, or effectual, unless the same be done at some Meeting to be holden in pursuance of this Act (except in the cases hereinafter mentioned); and that all the Powers and Authorities by this Act granted to the said Trustees shall and may be exercised from time to time by the major Part of them who shall be present at any Meeting to be holden in pursuance of this Act, the Number of Trustees present at every such Meeting not being less than Five, and all the Orders and Proceedings of the Major Part of the Trustees present at such their several Meetings shall have the same force and effect as if the same were made or done by all such Trustees for the Time being (save and except as hereinafter mentioned); and that at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting, upon any Question (including the Vote of the Chairman), then and in every such Case it shall be lawful for such Chairman to give the decisive or casting Vote

III. And be it further enacted, That upon the Death, Refusal, or Disability of any of the said Trustees, or of their Successors, to be elected in manner herein mentioned, to act in execution of this Act, then and in every such Case it shall be lawful for the surviving or remaining Trustees, from time to time, to elect and appoint one other Person to be a Trustee in the Room of each Trustee so dying, refusing, or being incapable of acting; and Notice of the Time and Place of the Meeting for every such Election shall be signed by the Clerk to the said Trustees for the Time being,

ing and shall be affixed on the several Tollgates that shall be erected by virtue of this Act, or by Advertisement to be inserted in some one or more of the *Gloucester* Newspapers Ten Days at least before such Meeting; and every Person so elected a Trustee as aforesaid shall be and he is hereby empowered to act in the Execution of this Act, to all Intents and Purposes in as full and ample a manner as the Trustee in whose room or stead he shall have been so elected.

IV. Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in the execution of this Act unless he shall be an Inhabitant living and residing in the said City of *Gloucester*, and be rated and assessed to the Relief of the Poor of some or one of the Parishes or Precincts within the said City to the Annual Amount of Fifteen Pounds at the least, nor unless he shall be in his own Right or in the Right of his Wife in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments in the said City or County of the clear Yearly Value of Sixty Pounds, or be possessed of or entitled to a personal Estate of the Value of Twelve Hundred Pounds, or shall be Heir Apparent to some Person possessed of an Estate in Land of the clear Yearly Value of One Hundred Pounds; and if any Person not being so qualified shall act as a Trustee in the execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed; and every such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty without any other Proof on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Trustee in the execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of the said Offence shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been duly qualified to act as a Trustee according to the Directions of this Act.

Qualification
of Trustees.

V. Provided also, and be it enacted, That no Person or Persons who shall keep a Victualling House, Alehouse, or other House of public Entertainment, or who shall sell any Wine, Cyder, Beer, Ale, or Spirituous or other strong Liquors by retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted and made payable, during such Time as he, she, or they shall keep such Victualling House, Alehouse, or other House of public Entertainment, or shall sell any Wine, Cyder, Beer, Ale, or Spirituous or other strong Liquors by retail; but no such Person shall be precluded from farming the Tolls by this Act granted, provided he, she, or they do employ a Person or Persons to collect such Tolls who shall not be under such Incapacity.

Victuallers,
&c. incapable
of acting, &c.

VI. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace shall and may in their respective Jurisdic-

Trustees may
act as Justices
tions, except where

personally interested. tions, and they are hereby empowered to act as Justices of the Peace in the execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

First Meeting of Trustees.

VII. And be it further enacted, That the said Trustees shall meet at the *King's Head Inn*, in the said City of *Gloucester*, on the Second Monday next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to carry this Act into execution; and in case none of the said Trustees shall attend such Meeting, then such Meeting shall be and be deemed to be adjourned to the next Day (Sunday, Good Friday, Christmas Day, and any Day on which Divine Service is ordered by Authority to be celebrated, only excepted, and then to the next Day) and so *toties quoties* until a sufficient Number of Trustees shall attend at such Meeting to act in the execution of this Act, or until a Trustee or Trustees shall attend so as to adjourn such Meeting; and the said Trustees shall and may at such Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into execution, from time to time adjourn themselves, and appoint their next Meeting to be holden there or at any other Place within the said City as to the said Trustees shall seem convenient, and at such Time as to them shall seem proper; and if it shall so happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act in the execution of this Act, the Trustee or Trustees then present, or the Clerk to the said Trustees, shall from time to time as often as the Case shall happen, adjourn such Meeting to some other Day within Fifteen Days then following, to be holden at the same Place; and the said Clerk shall cause Notice thereof to be affixed on all and every the Tollgates that shall be erected by virtue of this Act at least Five Days before the Day to which such Meeting shall be so adjourned: And the said Trustees shall at their several Meetings defray their own expences; and no Person shall be capable of acting as a Trustee in the execution of this Act during such Time as he shall hold any Place of Profit under this Act.

Meetings on Emergencies.

VIII. And be it further enacted, That if after any Adjournment of any Meeting as aforesaid it shall at any Time or Times be thought necessary that a Meeting of the Trustees should be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case the Clerk to the said Trustees (an Order in Writing signed by Three or more of the said Trustees, mentioning the Time, Place, and Purpose of such earlier Meeting being given to him, or left at his last or usual Place of abode), shall forthwith give Notice of such earlier Days in Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Five Days after such Notice); and all the Proceedings of the said Trustees at such earlier Meeting shall be as good and valid as they would have been in case such Trustees had met in pursuance of an Adjournment.

No Order to be revoked unless at a Meeting for the Purpose, nor unless a Majority of

IX. And be it further enacted, That no Order, Appointment, or Proceeding made at any Meeting of the Trustees holden in pursuance of this Act shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be holden for that express Purpose, nor unless Notice specifying the Revocation or Alteration intended to be made, signed by the Clerk to the said Trustees, be affixed on the several Tollgates that shall be erected by virtue

virtue of this Act at least Five Days before such subsequent Meeting, nor unless a Majority of the Trustees present at such subsequent Meeting, shall decide in favour of such Revocation or Alteration, and a greater Number of Trustees shall be present at such subsequent Meeting, than were present at the Meeting when such Order, Appointment, or Proceeding was had or made. the Trustees concur.

X. And be it further enacted; That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein, of all their Acts, Orders, and Proceedings relative to the execution of this Act; and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Book or Books being signed by the Chairman and Clerk then present shall be deemed Originals, and shall be allowed to be read as Evidence in all Causes, Suits, and Actions, touching or concerning any Thing done in pursuance of this Act; and such Book or Books shall at all the Meetings of the said Trustees be open and liable to the Inspection of all and every of the said Trustees, and of the Creditors on the Tolls hereby granted and made payable; and that any of the said Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy not exceeding One Hundred Words the Sum of Six-pence, and so in proportion for any greater or less Number of Words. Proceedings to be entered.

XI. And be it further enacted, That the said Trustees may and they are hereby empowered, by Writing under their Hands, to appoint a Treasurer or Treasurers, Clerk or Clerks, and a Collector or Collectors of the Tolls by this Act granted, and (if necessary) a Surveyor or Surveyors of the said Bridges; and also such other Officers and Persons for the Execution of this Act as they the said Trustees shall think proper; and from Time to Time to remove such Officers and Persons respectively as they the said Trustees shall see occasion; and out of the Monies to be received by virtue of this Act to allow and pay such Salaries, Wages, and Allowances to the said Officers and other Persons as the said Trustees shall think reasonable; and the said Trustees shall and they are hereby required to take sufficient Security from every such Treasurer and other Officer for the due execution of his Office as they shall think proper: And all such Officers so to be appointed shall under their Hands, at such Time or Times and in such Manner as the said Trustees shall direct, deliver to the Trustees or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act; and also of all the Monies which shall have been by such Officers respectively received by virtue and for the Purposes of this Act, and how much thereof hath been expended and disbursed and for what Purpose, together with proper Vouchers for such Payments; and shall pay all such Monies as shall remain due from them respectively to the said Trustees or to such Person or Persons as they shall appoint to receive the same; and every such Treasurer shall on the First Monday in the Month of June yearly, or at the First Meeting of the said Trustees then next following (although not thereunto required by the said Trustees), lay his Accounts before the said Trustees in order that the same may be audited, passed, and allowed by them if approved; and all the said Officers so accounting as aforesaid shall upon Oath (which Oath any One of the said Trustees is hereby empowered to administer) verify their said Trustees to appoint Officers;
and remove them;
and allow them Salaries.
Trustees to take Security from the Treasurer.
Officers to account.

[Loc. & Per.]

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Accounts;

Accounts; and if any such Officer shall refuse or neglect to make and render, or to verify upon Oath any such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees or to such Person or Persons as they shall appoint to receive the same, within Ten Days after being thereunto required by the said Trustees, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his custody or Power relating to the execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in every such Case, upon Complaint made by the said Trustees or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid to any Justice of the Peace for the County, City, or Place wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Officer so refusing or neglecting to appear before him, and upon his appearing or having been summoned and not appearing or not being to be found, to hear and determine the Matter in a summary way; and if upon the Confession of the Party or by the Testimony of any One or more credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer) it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Officer, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods or Chattels of such Officer, and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Money and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees are hereby empowered to make and receive), and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees; but no such Officer shall be detained or kept in such Common Gaol or House of Correction, for want of sufficient Distress by virtue of this Act for any longer Space of Time than Six Calendar Months.

On Death of
a Gatekeep-
er, Trustees
may nomi-
nate another
until the
next Meet-
ing.

XII. And be it further enacted, That it shall and may be lawful to and for any Five or more of the said Trustees upon the Death, Neglect, Refusal, or Incapacity to Act of any Collector of the Tolls hereby granted by Writing under their Hands, to nominate and appoint some other fit Person in his or her Place until the next Meeting of the said Trustees, which
Person

Person so to be nominated and appointed shall have the like Power and Authority, and be accountable in the same Manner in all Respects as the Person in whose room or stead he or she shall be so appointed; and if any Collector of the said Tolls, who shall be discharged from his or her Office by the said Trustees, shall refuse to deliver up the Possession of the Tollhouse, Buildings, and Appurtenances which he or she enjoyed in Right of his or her Appointment to that Office within Fourteen Days after Notice given to him or her, or left at such Tollhouse, in writing under the Hands of the said Trustees or any Five or more of them; or if the Wife or Family of any such Collector who shall die as aforesaid, or any other Person who shall be in Possession of the Premises by any Means whatsoever, shall refuse to deliver up such House, Building, and Appurtenances within Four Days after Notice of such New Appointment being made as aforesaid shall have been given to him, her, or them, or left at such Tollhouse, signed by any Five or more of the said Trustees, then and in either of the said Cases it shall be lawful for any Justice of the Peace for the County, City, or Place where such Tollhouse shall stand or be, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Tollhouse and Premises in the Daytime, and to remove the Persons who shall be found therein, together with their Goods and Chattels out of such Tollhouse and other Premises, and to put the new appointed Collector in Possession thereof.

If discharged Gatekeeper refuses to deliver up Tollhouses, &c.

Any Justice may cause him to be put out,

XIII. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, and they are hereby fully authorized and empowered, by and out of the Monies to be raised by virtue of this Act, to build and erect or cause to be built and erected, with Iron, Stone, or other Materials, a good and substantial new Bridge across the River *Severn*, at or within Forty Yards of the Place where the said present Bridge stands, according to such Design and in such Manner as they the said Trustees or any Five or more of them shall direct, and pull down or cause to be pulled down the said present Bridge, and build or cause to be built a temporary Bridge, or continue the said present Bridge as a temporary Bridge over the said River till the new Bridge shall be erected; and also to make proper Roads, Ways, Avenues, and Approaches to the said new Bridge at each end thereof; and for the Purposes aforesaid the said Trustees shall have full Power and Authority to remove or cause to be removed any Shelves or other Obstructions in the said River, and also to dig up, take, and carry away all Beds of Gravel, Sand, Mud, or other Impediments, and to deepen and widen the said River at the Place at or near which such new Bridge is intended to be erected, if it shall be thought necessary so to do; and also to dig and cut the Banks of the said River in such Manner as shall be necessary and proper for building the said new Bridge, and preserving the same and the Navigation of the said River near and under the said new Bridge free and open; and also to turn, widen, and alter any Highway, or make any new Way, Avenue, or Approach leading to the said intended Bridge at each End thereof; and from time to time and at all Times hereafter to do all other Acts, Matters, and Things as the said Trustees or any Five or more of them, shall think necessary, useful, and convenient for effectually building, erecting, maintaining, or supporting the said intended Bridge and other Works and Conveniencies, or the Approaches thereto; and to take and purchase any

Power to take down the present Bridge and Build a new one, &c.

Lands,

Lands, Houses, Tenements, or Grounds as shall be necessary for such Purposes; and to lay on each Side of the said River, within the Distance of One Hundred and Fifty Yards of the Scite or intended Scite of the said intended new Bridge, all Materials and other Things to be used in or about the said Bridge, Ways, Avenues, and Approaches; and there to work and use the same; they the said Trustees making Satisfaction in Manner hereinafter mentioned to the respective Owners and Occupiers of all the Lands and Grounds, Tenements, and Hereditaments as shall be taken or made use of for the Purposes aforesaid, or any of them.

Passage not to be stopped till a temporary or new Bridge built.

XIV. Provided always, and be it further enacted, That the Passage over the present Bridge shall not be stopped or destroyed until such temporary or new Bridge shall be built and made safe and commodious for Carriages and Passengers.

No Building except Tollhouses to be erected on the New Bridge.

XV. And be it further enacted, That no House or Building whatsoever (Tollhouses excepted) shall be erected upon the said new Bridge when built, but that the same shall be quite open, and be deemed and used as a common public Highway for ever.

Power to provide Lamps, &c.

XVI. And be it further enacted, That the said Trustees shall and they are hereby authorized, empowered, and required from time to time to purchase and provide such and so many Lamps and Burners and other necessary Articles thereto, and also such and so many Lampirons and Lamp-posts as to them the said Trustees shall seem right and proper; and to direct the same to be affixed or set up upon or against such part or parts of the said intended new Bridge, and to be altered, taken down, or removed, and again set up in such Place or Places upon the said Bridge as they shall think fit and proper; and to cause such Lamps or any of them to be lighted at such Seasons of the Year, on such Evenings and in such Hours, and to be kept burning for so many Hours as to them the said Trustees shall seem necessary or proper, for the well and sufficiently lighting the Passage along the said Bridge; and until the said Bridge shall be completed the Costs and Charges attending the providing such Lamps, and of lighting the same shall be paid and defrayed out of the Monies arising or to be borrowed on the Credit of this Act; and that when and for ever after the said intended new Bridge shall be completed such Costs and Charges shall be paid and defrayed in such and the same Manner, and by such and the same Ways and Means, as the Costs and Charges of providing and lighting the Lamps within the said City are paid and defrayed.

Power to erect a Tollhouse.

XVII. And be it further enacted, That the said Trustees shall and they are hereby authorized, empowered, and required to erect or cause to be erected a Turnpike or Gate and Tollhouse at such Place or Places upon or at either End of the present Bridge, or of any temporary Bridge which shall be erected or built as aforesaid, and also at such Place or Places upon or at either End of the said intended new Bridge when built as they shall think proper; and it shall be lawful for the said Trustees and they are hereby empowered to demand and take or cause to be demanded and taken at such Turnpike or Gate so to be erected the Tolls following, before any Person, Carriage, Horse, or other Beast or Cattle shall be permitted to pass through the same (that is to say)

For

For every Horse or other Beast of Draught drawing any Coach, Sociable, Berlin, Landau, Chariot, Vis-a-vis, Chaise, Calash, Chaise-Marine, Curricle, Chair, Gig, Whisky, Caravan, Hearse, or Litter, the Sum of Sixpence. Tolls.

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Dray, or other Carriage of the like Kind or Description, the Sum of Sixpence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two Pence.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence *per* Score, and so in proportion for any greater or less Number.

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five Pence *per* Score, and so in proportion for any greater or less Number.

And for every Foot Passenger (other than such as shall be *bond fide* belonging to any Carriage, Beast, or other Cattle chargeable with the Tolls hereinbefore made payable) the Sum of One Penny.

And that on each and every Sunday (to be computed from Twelve of the Clock on Saturday Night to Twelve of the Clock on Sunday Night) it shall be lawful for the said Trustees or any Person or Persons by them appointed, to demand and take for and in respect of each and every Horse or other Cattle passing through such Gate or Turnpike Double the Toll or Sum which may be demanded and taken for the same respectively on any other Day by virtue of this Act, before such Horse, Beast, or other Cattle shall be permitted to pass through any such Gate or Turnpike. Sunday Toll.

XVIII. And be it further enacted, That the said Tolls shall be and they are hereby vested in the said Trustees, and a Table thereof shall be put up and continued at such Turnpike or Toll-gate erected on, or near the said Bridge or the Avenues leading thereto; and it shall be lawful for the several Persons who shall by virtue of this Act be appointed Collectors of the said Tolls, to demand, collect, and receive the said Tolls; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand made thereof by any Collector to be appointed as aforesaid, neglect or refuse to pay the same or any Part thereof, it shall be lawful for such Collector to seize and distrain or cause to be seized and distrained any Horse or Horses, or other Beast or Cattle chargeable with the said Tolls, or any of them, or the Bridles, Saddles, Geers, Harness, or Accoutrements of such Horse or Horses, or other Beast or Beasts, or any Part or Parts thereof; and if such Tolls or any Part or Parts thereof, and the reasonable Charges of such Seizure and Distress, and of obtaining and keeping the same shall not be paid within Five Days next after such Seizure and Distress made, the Collector so seizing or distraining shall and may sell or cause to be sold the Horse or Horses, Beast or Beasts, or other Cattle, and their Bridles, Saddles, Geers, Harness, and Accoutrements so seized and distrained, or any Part or Parts thereof, at or near to the Turnpike or Tollgate where the said Tolls ought to have been paid, rendering the Overplus (if any) upon Demand, to the Owner or Owners thereof, after such Tolls and all reasonable Costs and Charges for distraining, keeping, and selling the same, shall be deducted and paid. Tolls vested in the Trustees.
For Recovery of Tolls.

XIX. And be it further enacted, That if any Dispute shall arise touching the Amount of Tolls due, or the Costs and Charges of distraining, Disputes respecting Tolls to be
[*Loc. & Per.*] 10 M keeping,

settled by a Justice. keeping, or selling any Distress, it shall be lawful for the Collector or Person so distraining to detain the Distress or the Money arising from the Sale thereof, until the Amount of the Tolls or the Charges of distraining, keeping, and selling the Distress, as the Case may be, shall be ascertained by some Justice of the Peace for the County, City, or Place wherein such Dispute shall arise, who upon Application made to him for that Purpose, shall examine the said Matter upon Oath or Oaths of the Parties or other Witness or Witnesses, and shall determine the Amount of Tolls due, and shall also assess the Charges of such Distress and Sale and all other reasonable Costs; all which Sum or Sums so determined or assessed shall be paid to the Collector before he shall be obliged to return the said Distress or the Overplus after the Sale thereof, or any Part thereof.

Bridge and Turnpikes vested in the Trustees.

XX. And be it further enacted, That the Right and Property of the Bridge, Turnpikes, and Tollhouses, and other Buildings to be erected by virtue of this Act, with the Ground, Fences, and Appurtenances thereto respectively, and of all Gates, Posts, Rails, Bars, Watchboxes, Milestones, Tables of Tolls, Lamps, Lampposts, Lampirons and Posts to be erected, and also of all Materials, Tools, and Implements, which are or shall be provided for making, or repairing the said Bridge, Ways, Avenues, and Approaches, or any of them by virtue of this Act, shall be vested in the said Trustees; and they are hereby empowered to cause an Action or Actions to be brought, and any Bill or Bills of Indictment to be preferred against any Person who shall steal, break down, take away, injure, or spoil the said Bridge, or any such Turnpike, Tollhouse, or other Building, Watchbox, Fence, Milestone, Table of Tolls, Lamps, Lamppost, Lampiron or Post, or any of such Materials, Tools, or Implements as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Article or Articles, Thing or Things, for which such Action or Actions shall be brought or Bill or Bills of Indictment preferred, is or are the Property of the Trustees for Building a Bridge over the River *Severn*, without particularly mentioning or specifying the Name or Names of any of the said Trustees.

Tolls to be paid Once only for passing and repassing the same Day.

XXI. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to enable any Collector of the said Tolls to demand or take any more than one Toll from any Person or Persons whomsoever for or in respect of the same Horse, Beast, or other Cattle passing once and repassing once in the same Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) through the same or any other Tollgate or Tollgates, Turnpike or Turnpikes on the said Bridge, or the Avenues or Roads leading thereto; all and every such Person and Persons producing a Ticket denoting that such Toll hath been paid on that Day for or in respect of such Carriage, Horse, Beast, or other Cattle, on the said Bridge or the Avenues or Roads leading thereto, which Ticket the said Collector is hereby required to deliver gratis on Receipt of such Toll.

Collectors of Tolls to be competent Witnesses.

XXII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls or any of them, the Person or Persons appointed to collect the same or any other Person or Persons acting by or under the Authority of the said Trustees

tees, shall not be disqualified from giving Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their appointment to collect such Tolls.

XXIII. And be it further enacted, That if any Person or Persons shall give to, offer, or dispose of, or receive from any other Person or Persons any such Ticket as aforesaid, or shall counterfeit or knowingly make use of any counterfeited Ticket in order to avoid Payment of the said Tolls or any Part thereof, or shall take off or cause to be taken off any Horse or other Beast from any Carriage, whereby the Payment of any of the said Tolls or any Part thereof is or shall be avoided, every such Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, one Moiety whereof shall go to the Informer and the other Moiety shall be applied to the Purposes of this Act.

Penalty on evading the Tolls.

XXIV. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Beast, Cattle, or Carriage of whatever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, Beast, Cattle, or Carriage attending any Soldiers upon their March or on duty, or attending them with their Arms or Baggage, or for any Horse, Mare, or Gelding furnished for or by any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption; nor shall any Toll be demanded or taken for any Horse, Cattle, Beast, or Carriage employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; or for any Horse, Cattle, Beast, or Carriage carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Gloucester*, or for a Citizen or Citizens, Burgees or Burgeesses to serve in Parliament for the said City of *Gloucester* on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded: And if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, one Moiety whereof shall go to the Informer and the other Moiety shall be applied to the Purposes of this Act.

General Exemption.

XXV. And whereas the said Bridges may receive such damage by Tempests, Floods, or otherwise, that the Passage over the same may at Times become dangerous or impracticable; Be it therefore further enacted, That in every such Case the said Trustees or any Five or more of them may and shall at their Discretion set up a Ferry across the said River *Severn* at any convenient Place or Places, being as near to the said new Bridge or temporary Bridge as the Repairing thereof shall permit; and such Ferry shall continue till the Passage over the said Bridges shall be rendered

If the Bridges shall receive Damage by Floods, &c. an occasional Ferry may be set up.

dered safe, and the same Sums of Money shall be payable as Tolls for a Passage across the said River by the said Ferry as are hereinbefore directed to be paid for a Passage over the said Bridges, and shall be levied, recovered and applied in the same Manner as the said Tolls are by this Act directed to be levied, recovered, and applied.

Trustees may reduce Tolls with Consent of Creditors.

XXVI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered at any Meeting to be holden for that Purpose, of which Meeting Twenty Days Notice signed by the Clerk to the said Trustees, shall be affixed on the Tollgate or Turnpike to be erected by virtue of this Act, or by Advertisement to be inserted in One or more of the *Gloucester* Newspapers, from time to time to lessen or reduce all or any of the Tolls granted by this Act, for and during such Time as they the said Trustees shall think proper; and afterwards at any Meeting to be holden as aforesaid from time to time, if they shall see Occasion, to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the several Rates granted by this Act: Provided nevertheless, That when the whole Money charged and borrowed on the Credit of this Act shall not have been paid or discharged, the Tolls hereby granted shall not be lessened or reduced without the Consent of the Person or Persons entitled to Five Sixth Parts of the Money remaining due upon the Credit of this Act.

Tolls may be let.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered at any Meeting, upon Twenty-eight Days Notice being affixed on the said Tollgate or Turnpike that shall be erected by virtue of this Act, or by Advertisement in Manner aforesaid, to let or farm the Tolls to be collected by virtue of this Act, or any Part or Parts thereof, to any Person or Persons, at and for the largest Yearly Sum that can be reasonably gotten for the same, provided that the Leases, Contracts, or Agreements of or for the same be in Writing, and be duly executed by the Person or Persons taking or farming such Tolls, and also by any Five or more of the said Trustees; but the same shall not be let for more than Three Years at any one Time; and the Rent which shall be agreed to be paid for the said Tolls shall be made payable, and shall be paid to the Treasurer to the said Trustees, so that One Calendar Month's Payment of such Rent shall always be in advance, or sufficient Security given for the Payment of such Rent to the Satisfaction of the said Trustees, or in Default thereof, every such Lease, Contract, or Agreement shall be null and void to all Intents, Purposes and Constructions whatsoever.

Lessees or Persons appointed by them may collect the Tolls.

XXVIII. And be it further enacted, That during such Time as the said Tolls or any Part or Parts thereof shall be leased, demised, or in farm to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall, by Writing or Writings under his, her, or their Hand or Hands, authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Powers for the Recovery thereof to all Intents and Purposes as the said Trustees or any Collector of the said Tolls are or is hereby authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid shall be subject to the like

like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees from time to time to compound with any Person or Persons for any Period of Time not exceeding Five Years, for any Horses, Beasts, or Cattle passing over the said Bridge, for all or any of the Tolls to be paid in respect of such Horses, Beasts, or other Cattle, and all such Composition Money shall be paid in advance Quarterly or otherwise as the said Trustees shall appoint; and in Default thereof every such Composition shall be null and void to all Intents and Purposes whatsoever.

Trustees may compound for Tolls.

XXX. And for the more speedily raising such Money as may be necessary for the Purposes of this Act; Be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered from time to time to borrow and take up at Interest such Sum or Sums of Money as they shall think necessary, not exceeding the Sum of Fifteen Thousand Pounds in the Whole, and by Writing under their Hands and Seals to assign over or mortgage the Tolls hereby granted, or any Part thereof, and the Tollgates, Turnpikes, and Tollhouses erected or to be erected by virtue of this Act (the Charges of such Assignments and Mortgages to be paid out of the said Tolls) as a Security for the Repayment of such Sum or Sums of Money, with Interest for the same, to the Person or Persons who shall advance and lend such Money, his, her, or their Executors, Administrators, and Assigns, such Interest to be paid and payable by equal Half Yearly Payments, at the Dwellinghouse of the Treasurer to the said Trustees for the Time being; all which Mortgages or Assignments shall be in the Words or to the Effect following (that is to say)

Trustees may borrow Money.

BY virtue of an Act, made in the Forty-sixth Year of the Reign of King GEORGE the Third [*set forth the Title of this Act*], We whose Names are hereunto subscribed and Seals affixed (being Trustees acting in Execution of the said Act), in Consideration of the Sum of _____ to the Treasurer _____ in Hand paid by *A. B.* Do hereby grant, bargain, sell, and demise unto the said *A. B.* _____ Executors Administrators, and Assigns, such Proportions of the Tolls arising by virtue of the said Act, and also of the Tollgate, Turnpike, and Tollhouse for collecting the same, as the said Sum of _____ doth or shall bear to the whole Sum charged and advanced or to be charged or advanced on the Credit of the said Act, to be had and holden from this _____ Day of _____ in the Year of our Lord _____ until the said Sum of _____ with Interest after the Rate of _____ *per Centum per Annum*; shall be repaid and satisfied. Given under our Hands and Seals this _____ Day of _____ in the Year of our Lord _____

Form of the Mortgage.

And Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the [Loc. & Per.] _____ 10 N _____ said

Copies of Mortgage to be entered.

faid Trustees, and such Book or Books shall and may, at all seasonable Times, be perused and inspected without Fee or Reward; and all Mortgages or Assignments which shall be made in the Manner and Form aforesaid shall be good, valid, and effectual to all Intents and Purposes whatsoever; and all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby respectively secured, may from time to time assign and transfer the same Security or Securities and all Benefit and Advantage thereof, and all their Right, Title, and Interest to the Principal and Interest Money thereby respectively secured or any Part thereof, to any Person or Persons, whomsoever, by Writing under their Hands and Seals, in the Words or to the Effect following (that is to say)

Form of
Transfers
to be
made

I A. B. being entitled to the Sum of _____ Secured to _____ Executors, Administrators, Assigns, by virtue of a Mortgage or Assignment, bearing Date the _____ Day of _____ under the Hands and Seals of _____ of the Trustees acting in the execution of an Act made in the Forty-sixth Year of the Reign of King S. GEORGE the Third, intituled [*set forth the Title of this Act*] upon the Credit of the said Act, do hereby transfer all my Right and Title in and to the same, and all the Principal and Interest Money now due and owing thereon, unto C. D.

Executors, Administrators, and Assigns. Dated this _____ Day of _____ in the Year of our Lord

And every such Transfer shall be produced and notified to the Clerk to the said Trustees within Six Calendar Months next after the Date thereof, and such Clerk shall cause an Entry or Memorial to be made thereof, containing the Names of the Parties, and Sum of Money therein mentioned to be transferred, in the said Book or Books to be kept for entering the said original Mortgages or Assignments to be made by virtue of this Act, and for which Entry the Clerk who shall enter the same shall be paid Five Shillings and no more; and after such Entry made, every such Transfer shall entitle the Person to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns to the Benefit thereof and Payment thereon; and after such Entry or Memorial made thereof as aforesaid, it shall not be in the Power of any Person or Persons making such Transfer to make void, release, or discharge the same, or the Monies thereby due or any Part thereof; and all Persons to whom such Mortgages, Assignments, or Transfers shall be made as aforesaid shall be in proportion to the Sums therein respectively mentioned Creditors on such Tolls, Tollgate, Turnpike, and Tollhouse, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies, or of the Dates of such Mortgages or Assignments.

Application
of the Tolls
and the
Money to be
borrowed.

XXXI. And be it further enacted, That out of the first Money arising or to arise by the Tolls which shall be collected by virtue of this Act, or out of the first Money which shall be borrowed upon the Credit thereof, the said Trustees shall in the first place pay and defray the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and in repaying all and every Sum and Sums of Money which shall be

to be
entered
in the
Book

be advanced by any Person or Persons whomsoever, together with lawful Interest for the same, and also all Costs, Charges, and Expences in making the Surveys, Plans, and Estimates of the said Bridge; and after Payment thereof all the Money which shall arise or come to the Hands, Custody, or Power of the said Trustees or their Treasurer by virtue, or for the Purposes of this Act, shall from time to time be applied in erecting the said Turnpikes and Tollhouses, in repairing the present Bridge, and keeping the same in Repair, or in erecting the said temporary Bridge, or in repairing the present Bridge for the Purpose of a temporary Bridge and in erecting the said intended new Bridge, and keeping the same in Repair, and opening and making proper and commodious Avenues and Approaches thereto at each End of the said Bridge, and in defraying all other necessary Charges and Expences attending the Execution of this Act, and in paying the Interest of the Principal Money so to be borrowed, and in otherwise carrying this Act into Execution, and to or for no other Use or Purpose whatsoever.

XXXII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Idiots and Lunatics, and Husbands, and all other Trustees whomsoever for and on Behalf, of any Infants, Females Covert, or *Cestuique* Trusts; Idiots, Lunatics, or other Persons under any Disability of acting for themselves, and for all and every Person and Persons who are or shall be seised, possessed of, or interested in any Messuages, Houses, Lands, Tenements, or Hereditaments, which may be necessary or expedient to be purchased for the Purposes of this Act, to treat and agree with the said Trustees for the absolute Sale thereof or any Part thereof, or for their Interest therein, and to convey the same to the said Trustees for the Purposes of erecting the said Bridge, and the Tollhouses, Tollgates, Works, and Conveniences thereto, and of making the Avenues and Approaches to the said Bridge; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made shall be good, valid, and effectual to all Intents and Purposes whatsoever, any Law, Usage, or other Matter or Thing to the contrary thereof in anywise notwithstanding; and all such Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, Committees, Husbands, and Trustees, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and other Persons, are and shall be indemnified for what they shall do by virtue and in pursuance of this Act.

Corporations
empowered
to treat.

XXXIII. And be it further enacted, That if any Owner, Proprietor, Occupier of, or other Person or Persons interested in any Lands, Tenements, or Hereditaments which the said Trustees shall judge necessary or proper to be purchased, taken, or used for any of the Purposes of this Act, or which shall be injured or damaged by the said Trustees, or by any Person or Persons acting by or under the Authority of the said Trustees in carrying this Act into Execution, or any such Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees, Guardians, Husbands, Committees, or other Trustees; upon Notice to him, her, or them given or left in Writing at the Dwellinghouse or Place of abode of such

In Case of
Persons re-
fusing to treat
or not agree-
ing a Jury to
settle the Re-
compence.

such Person or Persons, or of the Clerk or Head Officer of any such Body Politic, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Premises, signed by the Clerk to the said Trustees shall, for the Space of Twenty-one Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or otherwise, shall be prevented from treating; then and in every such Case it shall be lawful for the said Trustees to cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County or City in which the Premises in question shall be situate (which Oaths the said Trustees or any Two or more of them are hereby empowered to administer) what Damage will be sustained by, and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested for or on account of the taking or using of such Messuages, Houses, Lands, Tenements, or Hereditaments for the Purposes of this Act; and in order thereto the said Trustees or any Two or more of them are hereby empowered and required from time to time to summon and call before them all and every Person and Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses, touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath (which Oath the said Trustees or any Two or more of them are hereby empowered and required to administer); and they shall order and cause the said Jury to view the Place in question, and use all other lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have so ascertained and settled such Damages and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the Owners, Proprietors, or Occupiers of the said Messuages, Houses, Lands, Tenements, or Hereditaments, or other Persons interested therein, according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgment, Order or Determination so had and made, shall be final, binding, and conclusive to all Intents and Purposes whatsoever, against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise; and all and every such Owners, Proprietors, Occupiers, and Persons anyways interested in such Messuages, Houses, Lands, Tenements, or Hereditaments shall thereby be from thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of the same; and upon Payment of the Money so assessed to the respective Persons entitled thereto or their Agents, or (in case of Refusal to accept such Money) upon paying the same into the Bank of *England* in Manner by this Act directed, it shall be lawful for the said Trustees to cause the Premises in respect whereof such Money shall be assessed, to be disposed of, and such Acts to be done thereto as if the Purchase thereof had been agreed upon and completed; and the said respective Premises were untenanted, and the Purchase or Consideration Money had been received by the Person or Persons entitled thereto; and for summoning and returning any such Jury the said Trustees are hereby empowered to issue out their Warrant or Warrants, signed by any Two or more of them, to the Sheriffs of the said City of *Gloucester*, thereby commanding and requiring such Sheriffs to impanel, summon, and return an indifferent Jury of Twenty-four Persons, to appear before the said Trustees at such Time and Place as in such Warrant shall be appointed, and such Sheriffs respectively or their respective Deputies is and are hereby

hereby required thereupon to impanel, summon, and return such Twenty-four Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons the said Trustees shall swear or cause to be sworn Twelve Persons who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen the said respective Sheriffs or their Deputies respectively shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured or summoned to attend that Service, to the Number of Twelve: Provided always, That all Persons concerned shall have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action depending in any of his Majesty's Courts of Record at *Westminster* is or shall be by Law entitled to; and the said Trustees are hereby empowered to impose any reasonable Fine or Fines on such respective Sheriffs or their Deputies respectively who shall make Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury and shall not appear, or after having appeared shall refuse to be sworn on the said Jury, or having been sworn shall refuse to give or shall not give his or their Verdict on the Matter in question, or shall in any other Manner wilfully neglect his or their Duty therein, and on any of the Persons who being summoned or required to give Evidence before the said Jury touching the Premises, shall neglect or refuse to appear or refuse to be sworn or be examined or give Evidence touching the same; but no such Fine shall exceed Ten Pounds upon any one Person for one Offence.

Juries may be challenged.

Sheriffs, &c. may be fined for neglect of Duty.

XXXIV. And be it further enacted, That in case any such Jury shall give in or deliver a Verdict or Assessment for more Money than shall by or on Behalf of the said Trustees have been offered, before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, or for less Money than shall have been offered to be accepted or taken by or on Behalf of the said Trustees, as the Purchase Money for any such Messuages, Houses, Lands, Tenements, or Hereditaments as aforesaid, then and in every such Case the Costs and Charges of summoning and returning the Jury and Witnesses shall be borne and paid by the said Trustees out of the Money arising by virtue of this Act; but if any Jury shall give in and deliver a Verdict or Assessment for no more, or for less Money than shall by or on Behalf of the said Trustees have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, or for the same or any more Money than shall have been offered to be accepted or taken as the Purchase Money for any such Messuages, Houses, Lands, Tenements, or Hereditaments as aforesaid, then and in every such Case the Costs and Charges of summoning and returning the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have any such Controversy or Dispute, which said Costs and Expences shall be ascertained and settled by some Justice of the Peace not interested in the Matter in question (who is hereby authorized and required to examine and settle the same), and shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to

By whom Expences of Jury to be paid.

Trustees to pay Expenses where Persons from Absence are prevented from treating.

Application of Compensation if amounting to £. 200.

all Intents and Purposes whatsoever to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on demand after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees, by such Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures incurred by this Act; Provided always, That in all cases where any Person or Persons shall by reason of Absence have been prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

XXXV. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid for the Purchase of any Messuages, Houses, 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 Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other *Cestuique* Trust, or to any Person whose Messuages, Houses, Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two Hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, 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 Messuages, Houses, Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Messuages, Houses, Lands, Tenements, or Hereditaments, or affecting other Messuages, Houses, 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, Houses, Lands, Tenements, or 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, Houses, Lands, Tenements, or 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 said Court upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from time to time be paid by Order of the said Court to the Person or Persons who

who would for the Time being have been entitled to the Rents and Profits of the said Messuages, Houses, Lands, Tenements, and Hereditaments so hereby directed to be purchased by virtue of this Act in case such Purchase or Settlement were made.

XXXVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Messuages, Houses, Lands, Tenements, or Hereditaments purchased, taken, or used, for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed or be equal to 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 Messuages, Houses, Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and placed to his Account as aforesaid, in Order to be applied in Manner hereinbefore 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 Three or more of the said Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money and the Dividends arising thereon may be applied in any Manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compensation if less than £.200 and exceeding £.20.

XXXVII. Provided also, and be it enacted, That where such Money so agreed or awarded to be paid as next beforementioned 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 Messuages, Houses, Lands, Tenements, or Hereditaments so purchased, taken, or used, for the Purpose of this Act, in such Manner as the said Trustees shall think fit, or in case of Infancy, Idiocy, or Lunacy, then such Money shall be paid 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.

Application of Compensation if less than £.20.

XXXVIII. 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 Messuages, Houses, 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 Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Messuages, Houses, 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 Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General

In case of not making out Titles; or if Persons cannot be found Purchase Money to be paid into the Bank;

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

neral of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Messuages, Houses, Lands, Tenements, or Hereditaments [*describing them*] subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the public Funds, and to order Distribution thereof or Payment of the Dividends thereof, according to the respective 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.

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

XXXIX. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Messuages, Houses, Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Messuages, Houses, 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 the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Messuages, Houses, 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 Messuages, Houses, Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends and Interest of the 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 of Chancery may order reasonable Expences of Purchases to be paid by Trustees.

XL. Provided also, and be it enacted, That when by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Messuages, Houses, 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 Court of Chancery, and to be applied in the Purchase of other Messuages, Houses, Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from time to time to be made in pursuance of this Act, or so much of the Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of
this

this Act, who shall from time to time pay such Sums of Money for such Purposes as the said Court shall direct.

XLI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Bridges, and to and for all such Persons as he or they respectively shall appoint to search for, dig, get, gather, and take away any Stone, Furze, Heath, Beach, Stones, Gravel, Sand, or other Materials for making or repairing the said Bridges or the Avenues or Approaches thereto, out of or from any Common or Waste Ground, Sea Shore or Strand, River or Brook, in any Parish, Township, Hamlet, Division, District, or Place in which any Part of the said Bridge, Avenues, or Approaches thereto shall lie, or in any neighbouring Parish, Township, Hamlet, Division, District, or Place, without paying any Thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment filling up the Pits or Quarries, leaving the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or other Persons as aforesaid may by Order of the said Trustees (such Order to be made at some Meeting of the said Trustees to be holden in pursuance of this Act, and a Copy thereof to be given to such Surveyor or Surveyors, attested and signed by the Clerk to the said Trustees) search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, off, from, and out of the private Lands, Fields, or Grounds of any Person or Persons (where the same may be had or found) such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees, making or tendering such Satisfaction for the Damages done thereby to the Owners and Occupiers of such Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Bridges, Avenues, or Approaches thereto, shall be carried, according to their respective Rights and Interests in such Grounds as the said Trustees shall judge reasonable; and in case of any Difference between the Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers or any of them, concerning such Damages, it shall be lawful for any Two or more Justices of the Peace of the County, City or Place where such Materials shall be so cut, dug, gotten, gathered, taken and carried away, on Fourteen Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages; and the Judgment or Order of the said Justices shall be final and conclusive to all Parties.

For getting
Materials to
repair Bridge
and Roads.

XLII. Provided nevertheless, and be it enacted, That it shall not be lawful for any Surveyor or other Person or Persons acting under the Authority of this Act to dig, gather, get, take, or carry away any Materials for repairing such Bridges, Avenues, or Approaches thereto, or any of them, out of or from any inclosed Lands or Grounds until Notice in Writing, signed by the Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the said Trustees or any Two or more Justices of the Peace acting for the County, City, or

Notice to be
given to Oc-
cupiers of
inclosed
Lands before
Materials
taken.

[Loc. & Per.]

to P

Place

Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case the said Trustees or such Justices shall and may authorize such Surveyor or other Person or Persons to dig, get, gather, and carry away such Materials, at such Time or Times as to the said Trustees or Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent pursuant to such Notice, the said Trustees or Justices shall and may make such Order therein as they respectively shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

Penalty on taking away Materials got by Surveyor.

XLIII. And be it further enacted, That if any Person or Persons whomsoever shall remove or take away any Stones or Gravel or any Materials laid upon the said Bridges or upon the Avenues or Approaches thereto, or upon any Part thereof, for the making or Repair thereof, without the Order of the said Trustees or of their Surveyor or Surveyors for that Purpose; or if any Person or Persons whomsoever shall take away any Stones or Gravel or Materials which shall have been dug or gathered by or by the Order of the said Trustees or their Surveyor or Surveyors, in any Lands, Fields, Waste, or Grounds, River or Brook, for the Purpose of making or amending the said Bridges, Avenues, and Approaches thereto, or any Part or Parts thereof, or shall get or take away any Stones or Gravel or Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for making or amending the said Bridges, Avenues, and Approaches thereto, or any Part or Parts thereof, before the said Surveyor or Surveyors or his or their Workmen shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any private Ground and Persons authorized by such Owner or Occupier to get Materials therein for his or her own private Use only, and not for Sale), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on Persons injuring the Bridge.

XLIV. And be it further enacted, That if any Person or Persons shall wilfully and maliciously set fire to, burn, blow up, pull down, or destroy the present Bridge or the said temporary Bridge, or the said new Bridge, or any Pier or Piers, Arch or Arches thereof, or any Part or Parts thereof, or the Tollhouses or Tollgates erected or set up, or to be erected and set up upon or near the said Bridges, or any of them, or any of the Works, Buildings, or Erections made in pursuance of this Act, or cause or procure, or direct the same to be done, and be thereof convicted, every such Person shall be transported in like Manner as Felons are directed to be transported by the Laws and Statutes of that Part of the United Kingdom called *Great Britain*, or otherwise the Court before whom such Person shall be convicted may, in Mitigation of such Punishment (if they think fit) award any other Punishment as the Law directs in Cases of Petit Larceny.

To prevent damaging the Bridge by towing Boats with a Line on the Bridge.

XLV. And be it further enacted, That if any Person or Persons shall break, throw down, injure, destroy, obliterate, or deface any Mile-stone, Guidepost, Table of Tolls, or Post erected on any or either of the said Bridges, or on any of the Avenues or Approaches thereto, or any of the Letters, Figures, or Marks painted or inscribed thereon, or if any Person or Persons shall by or with any Line upon the said present Bridge, or

of

of the said new Bridge or temporary Bridge, or any or either of them, tow any Trow, Barge, Boat, or other Vessel through any of the Arches thereof, or shall lash, tie, or make fast any Cord, Rope, or Cable to the Ballustrades, Cornice, or any other Part of the said Bridges or any or either of them, for the Purpose of mooring or staying any Trow, Barge, Boat, or other Vessel (except to such Rings as are or shall be fixed to the said Bridge or Bridges, by the Direction of the said Trustees, for that Purpose) or shall moor, stay, or fasten, or cause or procure to be moored, stayed, or fastened, any Trow, Barge, Boat, or other Vessel within the Distance of Fifty Yards from the said Bridges or any or either of them, on either Side thereof, without the Consent of the said Trustees or any Five or more of them, by Writing under their Hands first had and obtained, or shall wilfully or negligently drive or wheel any Carriage or Barrow, or drive or ride any Horse upon the Foot Pavement of the said Bridges or any or either of them, or on the Foot Pavement of any of the Avenues leading to the same respectively, every Person offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XLVI. And be it further enacted, That if any Person shall haul or draw or cause to be hauled or drawn upon any Part of the said Bridge or Bridges, or the Avenues, or Approaches thereto, any Tree or Piece of Timber, or any Stone, otherwise than upon a Wheel Carriage, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage to drag upon any Part of such Bridge or Bridges, or the Avenues, or Approaches thereto, to the prejudice thereof respectively, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for drawing Timber or Stone on the Bridge otherwise than on Wheeled Carriages.

XLVII. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, or otherwise damage, or shall ride or drive, or lead any Horse, Beast, Cattle, or Carriage over or upon any Footpath or Causeway made or to be made on the Side or Sides of any Part of the said Bridge or Bridges, or the Avenues, or Approaches thereto; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Footpaths or Causeways; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Bridge or Bridges, or the Avenues, or Approaches thereto, with any Instrument so as to damage the said Bridge or Bridges, or the Avenues, or Approaches thereto, or any Part thereof; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry (without some reasonable Cause, to be allowed by the Justice before whom the Person so offending shall be summoned or conveyed in order to his Conviction, or except with regard to such Waggon, Wain, Cart, or other Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near the Side of the said Avenues or Approaches as conveniently may be) in, upon, or on the Sides of the said Bridge or Bridges, or the Avenues, or Approaches thereto, either with or without any Horse or Beast harnessed or yoked thereto, or shall lay any Timber, Wood, or Bushes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Annoyance what-

For preventing Annoyances.

soever

soever upon any Part of the said Bridge, or Bridges, or the Avenues, or Approaches thereto, or on the Side or Sides thereof, to the Prejudice thereof, or Annoyance of any Person travelling thereon, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, one Moiety whereof shall go to the Informer and the other Moiety shall be applied for the Purposes of this Act.

Old Bridge
vested in the
Trustees
when the
new one is
built.

XLVIII. And be it further enacted, That from and after the passing of this Act, the said Bridge called *The Westgate Bridge*, and all the Stones, Timber, Iron, and Materials of which the same is constructed or built shall belong to and be the Property of, and is and are vested in the said Trustees; and it shall be lawful for the said Trustees to bring or cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment (as the Case may require) against any Person or Persons who shall steal, take, or carry away, spoil, injure, or destroy the said Bridge, or the Stones, Timber, Iron, and other Materials thereof hereby vested in them as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment it shall be sufficient to state generally that the said Bridge Article or Articles, Thing or Things, for or on Account of which such Action or Actions shall be brought, or Bill or Bills of Indictment shall be preferred, is or are the Property of "The Trustees for building a Bridge over the River *Severn*," without particularly stating or specifying the Name or Names of all or any of the said Trustees; and when and as soon as such new Bridge shall be built and erected as aforesaid, and the said Bridge and the Avenues and Approaches thereto shall be safe and convenient for the Passage of Horses, Cattle, and Carriages, and any Toll shall be demanded or taken for passing over the said Bridge by virtue of this Act, the said Trustees shall and they are hereby authorized, empowered, and required to take down and remove the said old Bridge and the Piers thereof, and to sell and dispose of the Stones, Timber, Iron, and other Materials thereof, to such Person or Persons, and in such Manner as they the said Trustees shall think proper; and the Money arising by such Sale shall be applied and disposed of for the several Purposes of this Act.

When Debts
paid Tolls to
cease.

XLIX. And be it further enacted by the Authority aforesaid, That as soon as the several Purposes of this Act shall be carried into Execution, and the Principal Money and Interest borrowed and secured upon the Credit thereof be repaid and satisfied, then and from thenceforth all the Tolls hereby imposed shall absolutely cease and determine, and the said new intended Bridge shall for ever thereafter be repaired and kept in Repair by such Person or Persons as shall by Law be liable to repair the same.

Actions to be
brought in
the Name of
the Treasurer
or Clerk, or
one Trustee;

L. And be it further enacted, That whenever any Action shall be brought by the Order of the said Trustees against any Person or Persons by virtue or in pursuance of this Act, the same may be brought in the Name or Names of their Treasurer or Clerk, or in the Name of any one of the said Trustees on Behalf of the said Trustees; and no such Action shall abate, or be discontinued by the Death or Removal of the Person in whose Name the same shall be brought; but no such Treasurer, Clerk, or Trustee, or any or either of them shall be subject to the Payment of any

any Costs or Expences on account thereof; but all such Costs and Expences shall be defrayed out of the Money arising by virtue of this Act.

but neither of them liable to Costs.

LI. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collectors, Surveyors or other Officers under this Act; Be it therefore enacted, That it shall and may be lawful to and for any of the said Collectors, Surveyors, or other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to convey him, her, or them, before One or more Justice or Justices of the Peace for the County, City, or Place where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

Power to detain unknown Persons guilty of Offences.

LII. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act, or by virtue of the Powers thereof imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County, City, or Place where the Offence shall be committed (which Warrant such Justice is hereby empowered to grant upon the confession of the Party, or upon the Evidence of any credible Witness upon Oath) and the Overplus (if any) of the Money arising by such Distress and Sale shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures when recovered (if not hereinbefore directed to be otherwise applied) shall be paid to the Treasurer to the said Trustees, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall be lawful for such Justice and he is hereby authorized and required by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the common Gaol or House of Correction of the County, City, or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures and all reasonable Charges attending the Recovery thereof shall be sooner fully paid and satisfied.

Recovery and Application of Penalties.

LIII. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act, or against any Order of Sessions or any Matter or Thing done in the execution of this Act, the Form of Conviction shall be in the Words or to the Effect following (that is to say)

BE it remembered, That on this
 in the
 of
 before
 Justices of the Peace for the
 of having [as the Offence shall be] and I [or We] the said
 do adjudge him [her or them] to forfeit and pay for
 [Loc. & Per.] 10 Q—R the

Day of Form of
 Year of the Reign Conviction
 A. B. is convicted
 of His Majesty's

LVII. And be it further enacted, That no Order, Verdict, Assessment, judgment, or other Proceedings made touching or concerning the Conviction of any Offender or Offenders against this Act shall be quashed or vacated for want of Form only, or be removed or removable by *Certiorari* or by any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding.

Proceedings not to be quashed for want of Form or removable by *Certiorari*.

LVIII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Fourteen Days before such Action shall be commenced of such Intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff recover in any such Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover without Notice, or after Tender of Amends.

LIX. And be it further enacted, That the necessary Charges which shall be incurred in and about the Prosecution of all and every Offender and Offenders against this Act, or in Defence of the Trustees or any of their Officers or other Persons acting under this Act, shall be paid out of the Monies to be raised or received by virtue thereof.

The Expenses of Prosecutions or defending Trustees to be paid out of the Tolls.

LX. Provided always and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act after the expiration of Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall arise and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Costs, and shall have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Limitation of Actions.

LXI. And be it further enacted, That nothing in this Act contained shall prejudice or lessen the Rights, or tend or be construed to defeat or abridge the Mayor and Burgeses of the said City of *Gloucester* and County of

Saving the Rights of the Corporation.

of the same City (being the Corporation of the said City) of any Tolls, Customs, or Duties which they are entitled unto by Charter, Prescription, or otherwise.

Public Act.

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

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