



ANNO QUINQUAGESIMO

# GEORGII III. REGIS.

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## Cap. 124.

An Act for making and maintaining a Tunnel or Road under the River *Severn*, from the Parish of *Newnham* to the Parish of *Arlingham*, in the County of *Gloucester*. [24th May 1810.]

**W**HEREAS great Inconveniencies are at present sustained by reason of there being no Communication over the River *Severn*, below the City of *Gloucester* otherwise than by Ferries; the Passage of which is generally attended with great Delays, and sometimes with considerable Danger: And whereas the Formation of an uninterrupted Land Communication between the Two Banks of the River *Severn*, by Means of a good and sufficient Tunnel or Road under the said River, from the Parish of *Newnham* to the Parish of *Arlingham* in the County of *Gloucester*, with proper Entrances and Avenues to connect the same with the Turnpike Roads on each Side of the said River, would be attended not only with considerable Advantage, and particular Convenience to the Western Parts of the County of *Gloucester*, and the Principality of *Wales*, but also with great National Benefit; 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 *Richard Wetherell* Clerk, *Roynon Jones* the younger, *William Fendall*, *Henry Hicks*, *John Fendall*, *James Jelf*, *Thomas Westfaling*, *Charles Evans*, *William Veel*, *Samuel Hodgkinson*, and *William Desley Dunsford*, together with such Person or Persons, Body or Bodies, as they or the major Part of them at any

Proprietors.

[Loc. & Per.] 31 K General

General Assembly shall nominate and appoint, and their several and respective Successors, Executors, Administrators, and Assigns, being Proprietor or Proprietors of any Share or Shares in the Tunnel or Road hereby  
 Incorporated. authorized to be made, shall be and are hereby united into a Company for the carrying on, making, completing and maintaining the said Tunnel or Road, and shall for that Purpose be one Body Politic and Corporate, by the  
 Their Style. Name and Style of "The *Severn* Tunnel Company," and by that Name shall have perpetual Succession, and a Common Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to purchase Lands, Tenements, and Hereditaments to them and their Successors and Assigns, for the Use of the said Tunnel or Road, and for the several Works hereby authorized to be made, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and also to sell any of the Lands, Tenements, and Hereditaments purchased for the Purposes aforesaid.

Proprietors to raise Money for making the Tunnel.

II. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves a competent Sum of Money for making and maintaining the said Tunnel, and all the Ways, Roads, Engines, and other Works and Conveniencies belonging or requisite thereto, not exceeding in the Whole the Sum of Twelve thousand Pounds, and that the same shall be divided into Shares of Two hundred and fifty Pounds each, which Shares shall be deemed Personal Estate, and the same shall immediately be vested in the several Persons and Bodies so subscribing, their several and respective Executors, Administrators, Successors, and Assigns; proportionably to the Sums they shall severally raise and contribute, and all Persons and Bodies, and their several and respective Executors, Administrators, Successors and Assigns, who shall severally subscribe for One or more Share or Shares, and pay such Sum or Sums as shall be demanded on account thereof, towards carrying on and completing the said Undertaking, shall be entitled to and receive the entire and nett Distribution of an equal proportionable Part, according to the Money so by them respectively paid of the Profits and Advantages that shall and may arise and accrue by the Tolls and other Sums of Money to be raised, recovered, or received by the said Company by the Authority of this Act, and every Person and Body having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same in Manner herein-after appointed.

Subscribers to have a Vote for every Share.

III. And be it further enacted, That every Person and Body who shall by virtue of this Act, have subscribed for One Share in the said Undertaking, his, her or their respective Executors, Administrators, Successors and Assigns, shall have a Vote in the several Assemblies to be holden as herein appointed, for carrying on the said Undertaking for every such Share, such Vote or Votes, to be given by them, him, or her, either personally or by Proxy; such Proxy being a Proprietor in the said Undertaking; and every Question, Matter, or Thing which shall be proposed, discussed, or considered in any General or Special Assembly of the said Company, shall be determined by the Majority of Votes and Proxies then present: Provided nevertheless, that no Person shall vote for more than Four Shares in his or her own Right, nor for more than Four other Shares as Proxy for any other Proprietor or Proprietors.

IV. And

IV. And be it further enacted, That in case the Money herein-before authorized to be raised shall be found insufficient for the making, completing, and maintaining of the said Tunnel and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company to raise and contribute amongst themselves, in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or to raise by the Admission of new Subscribers any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding in the Whole the Sum of Eight thousand Pounds; and every Person and Body subscribing towards raising such further or other Sum shall be a Proprietor in the said Undertaking, and shall have a like Vote in respect of every Share of the said additional Sum so to be raised, and be liable to such Forfeitures, and stand interested in all the Profits of the said Tunnel in Proportion to the Sum he, she, or they shall subscribe thereunto, as fully to all Intents and Purposes as if such further or other Sum hereby allowed to be subscribed for, and raised, had originally been part of the said Sum of Twelve thousand Pounds.

Proprietors may raise an additional Sum if necessary.

V. And be it further enacted, That in case the said Company shall be desirous of raising the said Sum of Eight thousand Pounds, or any Part thereof, by Mortgage of the said Undertaking, it shall be lawful for them so to do, and to assign the Property of the said Tunnel, and the Tolls arising, or to arise, by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Tolls) as a Security for any Sum or Sums of Money so to be borrowed, with Interest to such Person or Persons as shall advance the same; all which said Mortgages shall be made under the Common Seal of the said Company in the Form or to the Effect following, (that is to say);

Power to raise Money by Mortgage.

BY virtue of an Act of Parliament made in the Fiftieth Year of the Reign of King George the Third, intituled, [*here insert the Title of this Act*], We, the Severn Tunnel Company incorporated by and under the said Act, in Consideration of the Sum of \_\_\_\_\_ to us in Hand paid by *A.B.* of \_\_\_\_\_ do hereby bargain, sell, and assign unto the said *A.B.* his Executors, Administrators, and Assigns, the said Tunnel, and all and singular the Tolls arising and payable to us by virtue of the said Act, and all our Estate, Right, and Interest in and to the same, to hold unto the said *A.B.* his Executors, Administrators, and Assigns, until the said Sum of \_\_\_\_\_ with Interest for the same, after the Rate of \_\_\_\_\_ *per Centum per Annum* shall be fully paid and satisfied. Given under our Common Seal this \_\_\_\_\_ Day of \_\_\_\_\_

Form of Mortgage.

And all Persons to whom such Mortgages shall be made, and their respective Executors, Administrators, and Assigns, shall be equally entitled, one with the other, to their Proportion of the said Tolls and Premises, according to the Sums secured to them respectively, without any Preference by Reason of Priority or otherwise; and shall have full Power to assign their respective Securities from Time to Time as often as Occasion shall require, and a Memorial of every such Mortgage, and of every such Assignment, containing the Date, Name or Names, Addition or Additions, of the Person or Persons to whom made, the Sum of Money borrowed, and the Rate of Interest, shall, within Fourteen Days from the Date of every such Mortgage

and

Interest of  
Money to be  
paid in Pre-  
ference to  
Dividends.

Mortgagees  
not to vote  
on account of  
having lent  
Money.

General  
Assemblies.

Chairman to  
be appointed.

Proprietors  
may make  
Bye Laws;

and Assignment respectively, be entered in One or more Book or Book<sup>s</sup> to be kept by the Clerk of the said Company, which Book or Books shall and may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Tunnel, and any other Person interested therein without Fee or Reward; and the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid, shall be provided for, and paid Half-yearly to the several Persons from Time to Time entitled thereto, before any Interest or Dividends due to the said Company, or any of them, shall be paid, made, or divided; but no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid, shall be capable of acting or voting by virtue thereof, at any Assembly of the said Company.

VI. And be it further enacted, That the said Company shall assemble on the Twenty-seventh Day of *June* One thousand eight hundred and ten, at the *King's Head Inn* in the City of *Gloucester*, between the Hours of One and Three in the Afternoon, for the Purpose of putting this Act into Execution, and shall have Power to adjourn themselves from Time to Time, and from Place to Place, as to them shall seem expedient; at all which Assemblies, the said Company shall appoint a Chairman, who shall not only vote as a Proprietor or Proxy, but in case of an Equality of Votes shall have the decisive or casting Vote: Provided always, that in case at any of such Assemblies there shall not be an Adjournment regularly made, or in case no Proprietor shall attend in pursuance of any Adjournment, then and in such Case every such Assembly shall be deemed to be adjourned to that Day Three Months from the Day on which the previous Assembly was holden, or on which Default shall have been made as aforesaid, and so *toties quoties*.

VII. And be it further enacted, That it shall be lawful for the said Company from Time to Time, at any General Assembly, to make such Call or Calls of Money from the Subscribers to and Proprietors of the said Undertaking, and to order the same to be paid to such Person or Persons, and at such Time or Times, and to impose such Penalties in the Event of Nonpayment thereof at the Times appointed, as to them shall seem fit; and also to order and dispose of the Custody of their Common Seal, and the Use and Application thereof; and to make such Rules, Bye-Laws, and Orders for the good Government of the said Company, and of their Servants, Agents, or Workmen, and for the Superintendance and Management of the said Tunnel, and of the several Persons who shall pass through the same, and to impose and inflict such reasonable Fines or Forfeitures upon all Persons who shall offend against any such Rules, Bye Laws, or Orders, as to them shall seem meet, not exceeding the Sum of Five Pounds for any Offence; which said Rules, Bye Laws, and Orders being reduced into Writing under the Common Seal of the said Company, shall be binding upon and observed by all Parties using or in any Way concerned in the said Tunnel, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided that they be not inconsistent with or repugnant to the Laws of this Realm, or to the Provisions and Directions in this Act contained, or to any of them, and shall be subject to Appeal in Manner herein-after mentioned.

VIII. And

VIII. And be it further enacted, That in case any Person or Persons shall neglect or refuse to pay the Amount of the Call or Calls made on him, her, or them as aforesaid, for the Space of Three Calendar Months next after the Time appointed for Payment thereof, then and in such Case it shall be lawful for the said Company, at any General Assembly, to declare the Share or Shares in respect of which such Default shall have been made, to be forfeited, and the same shall immediately thereupon be vested in the said Company for the Benefit of all the Rest of the said Proprietors, in Proportion to their respective Interests in the said Undertaking; but no such Forfeitures shall be incurred unless a written Notice of such Call or Calls, signed by the Clerk to the said Company, shall have been given to or left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively Three Calendar Months before such Forfeiture shall be declared.

Default of Payment of Calls, Shares may be forfeited.

IX. And be it further enacted, That if it shall at any Time appear, that for the more effectually putting this Act into Execution a Special Assembly of the Company is necessary to be holden, it shall be lawful for any Four or more of the said Proprietors, who may collectively be possessed of or entitled unto Ten Shares in the said Tunnel, to cause Fourteen Days Notice at least to be given thereof in One of the *Gloucester* Newspapers, or in such other Manner as shall for such Purpose be appointed by the said Company, specifying in such Notice the Reason and Intention of requesting such Special Assembly, and the Time when and Place where the same shall be holden, which Place shall be within Five Miles of the said Tunnel, or within the City of *Gloucester*; and the said Proprietors are hereby authorized to meet pursuant to such Notice; and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company, with respect to the Matters so specified only; and all such Acts of the Proprietors, or the major Part of them met together at every such Special Assembly, shall be as valid with respect to the Matters specified in such Notice, as if the same had been done at any General Assembly.

Assembly of Proprietors may be specially convened.

X. And be it further enacted, That it shall be lawful for the said Company at any General or Special Assembly, from Time to Time to nominate and appoint a Treasurer or Treasurers, and One or more Collector or Collectors of the said Tolls, and also a Clerk to the said Company, and such other Officers as to them shall seem meet, and to be removeable at their Pleasure, granting to them respectively such Salary, and taking such Security for the due Execution of their respective Offices as the said Company shall think proper, and such Clerks shall in a proper Book or Books to be provided by the said Company for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Tunnel, and of the several Persons who shall from Time to Time become Owners and Proprietors of, or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company, and each of the said Proprietors may at all convenient Times have recourse to, and peruse and inspect the same, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words so to be copied, the Sum of Sixpence, and so in Proportion for any less Number of Words; and if any such Clerk to the said Company shall refuse to permit any Proprie-

General Assembly to elect and appoint Officers,

and take Security from them.

tor or Proprietors so interested as aforesaid, to inspect and peruse such Book or Books of Proceedings, at all convenient Times and Seasons, or refuse to make any such Copy or Copies at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Officers, &c.  
to account.

XI. And be it further enacted, That all such Officers and Persons so to be appointed as aforesaid, shall at such Time or Times, and in such Manner as the said Company shall direct, deliver in 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 Officer or Officers, and Person and Persons respectively received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with proper Vouchers for such Payments, and shall pay and deliver over all such Monies as shall remain in their respective Hands, together with all Books, Papers, Writings and Vouchers to the said Company, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required; and in case of his or their Neglect or Refusal so to do, it shall be lawful for the said Company or any of their Officers to make Complaint to any Two or more Justices of the Peace acting for the County of *Gloucester* aforesaid, who are hereby authorized and required by a Warrant or Warrants under their Hands and Seals, to cause the Officer or Officers, Person or Persons so refusing or neglecting, to be brought before them, and upon his or their 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 Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justices that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justices are hereby authorized and required upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively, and if no Goods or Chattels of such Officer or Officers, Person or Persons can be found sufficient to answer and satisfy the said Money, and the Charges of making and levying the same, or if such Officer or Officers, Person or Persons, shall persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid, to the said Company, or to such Person as they shall appoint, then and in any or either of such Cases, such Justices shall commit every such Offender to the Common Gaol for the said County of *Gloucester*, 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 Company, or their Agent, and shall have paid such Composition in such Manner as they respectively shall appoint; and until he shall deliver up such Books, Papers, Writings, and Vouchers as aforesaid, or give Satisfaction in respect thereof to the said Company: Provided always, that no such Officer or Person who shall be committed for want of sufficient Distress, shall be detained in such Gaol by virtue of this Act for any longer Space of Time than Three Calendar Months.

Accounts to  
be audited.

XII. And be it further enacted, That all Accounts of Money received, laid out, and disbursed on account of the said Tunnel by the Treasurers, Receivers,

receivers, or Collectors of the Tolls, and other Officers by them appointed, or by any other Person or Persons whomsoever employed by or concerned for or under them, in and about the said Tunnel or the Works thereto belonging, shall be laid before the said Company at some Meeting to be audited and settled, but no Vote or Votes by Proxy shall be given, or have any Power in or as to the Audit and Settlement of Accounts.

XIII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, his, her, or their respective Executors or Administrators, to sell and dispose of any Share or Shares, to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned, the Conveyances of which Shares shall be in the Form or to the Effect following:

Shares may be sold.

I *A. B.* of \_\_\_\_\_ in Consideration of \_\_\_\_\_  
 do hereby bargain,  
 paid to me by *C. D.* of \_\_\_\_\_ do hereby bargain,  
 sell, assign, and transfer to the said *C. D.* the Sum of \_\_\_\_\_ Capital  
 Stock of and in the Tunnel under the River *Severn*, being Part (or  
 the Whole, *as the Case may be*) of my Share in the said Tunnel, to hold  
 to the said *C. D.* Executors, Administrators, and Assigns,  
 subject to the same Rules, Orders, and Restrictions, and on the same  
 Conditions that I held the same immediately before the Execution  
 thereof: And I the said *C. D.* do hereby agree to take and accept the  
 said Capital Stock or Share of \_\_\_\_\_ subject to the same  
 Rules, Orders, Restrictions and Conditions, as Witness our Hands and  
 Seals the \_\_\_\_\_ Day of \_\_\_\_\_

Form of Transfer.

And on every such Sale the Transfer having been executed by the Seller or Sellers, and Purchaser or Purchasers respectively, a Memorial thereof shall be entered by the Clerk to the said Company in a proper Book or Books to be kept for that Purpose, and a Certificate of such Entry shall be indorsed on such Transfer, for which Entry and Certificate no more than Five Shillings shall be paid; and the said Clerk is hereby required to make such Entry and Certificate accordingly, and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Tunnel, nor any Vote in respect thereof as a Proprietor or Proprietors thereof.

XIV. And be it further enacted, That after any Call shall have been made by the said Company, no Person or Persons having had Notice thereof, shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Tunnel, on Pain of forfeiting his, her, or their respective Share or Shares therein, unless he, she, or they at the Time of such Sale or Transfer shall have paid and discharged to the Treasurer of the said Company of Proprietors the whole and entire Sum of Money which shall have been then called for upon each Share so sold or transferred.

After a Call, no Share to be sold until such Call shall be paid.

XV. And be it further enacted, That the said Company shall, and they are hereby required, to cause the Names and proper Additions of the several Persons who shall be entitled to the Shares in the said Undertaking, with the Number of Shares, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered into a Book to be kept by the Clerk to the said Company, and shall also cause a Certificate, under the Common Seal of the said Company, to be delivered to every

Names of Proprietors to be entered, and Certificates of their Shares delivered to them.

every such Subscriber upon Demand, specifying the Share or Shares to which he or she is entitled in the said Undertaking; and such Entry or the Certificate thereof, verified as aforesaid, shall be admitted in all Courts whatever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified.

Powers for  
making the  
Tunnel.

XVI. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered to make and maintain a Tunnel or Road under the River *Severn*, from any Part of the Land belonging to *Roynon Jones* Esquire in the Parish of *Newnham*, to the Land of the Reverend *Thomas Jackson*, or of any other Land Owner on the opposite Point of the Shore, in the Parish of *Arlingham*, who shall previously consent thereto in Writing, and to make and form One or more sufficient Road or Roads from the same unto the Turnpike Roads on each Side of the said River; and for the Purpose aforesaid, the said Company, their Deputies, Agents, Officers, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politick, Corporate, or Collegiate, whatsoever, and to survey and take Levels of the same, or any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper for making the said intended Tunnel, and all such other Works, Matters, and Conveniences, as they shall think proper and necessary for making, preserving, improving, completing, maintaining, and using the same; and also to bore, dig, cut, trench, fough, get, remove, take, and carry away, lay, make use of, dispose of, and sell, for their own Use and Benefit, any Earth, Clay, Chalk, Stone, Soil, Rubbish, Trees, Roots of Trees, Gravel, Sand, or any other Matters or Things which may be dug or got in making the said intended Tunnel, or other Works in, out of, or upon the Lands or Grounds of any Person or Persons adjoining or lying convenient thereto, and which may be necessary, requisite, or proper for making, carrying on, continuing, maintaining, or repairing the said intended Tunnel, or other Works; and also to make, build, erect, and set up, in or upon the said Tunnel, or other Works hereby authorized to be made or any of them, or upon the Lands adjoining or near the same respectively, such and so many Tunnels, Aqueducts, Water Stanks, Dams, Drains, Quays, Houses, Warehouses, Toll Houses, Buildings, Wharfs, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, and other Works, Ways, Roads, and Conveniences as and where the said Company of Proprietors shall think requisite or convenient for the Purposes of or Approaches to the said Tunnel and other Works, or any Part thereof; and also from Time to Time to alter, repair, and amend, or discontinue the same; they the said Company of Proprietors, their several Deputies, Agents, Officers, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction in Manner herein mentioned, to the Owners and Proprietors of, and other Persons interested in any Lands, Tenements, or other Hereditaments which shall be by them taken or used for the Purposes aforesaid, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company and their Deputies, Agents, Officers, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject to such Provisoes and Restrictions as are herein mentioned.

XVII. Provided



XVII. Provided always, and be it enacted, That nothing herein contained shall authorize and empower the said Company, or any Person acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Tunnel, or any other of the Purposes aforesaid, any House or other Building which was erected and built on or before the Twenty-fifth Day of *December* One thousand eight hundred and nine, or any Land or Ground which on the said Twenty-fifth Day of *December* was set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or Plantation or Nursery of Trees, without the Consent of the Owners and Occupiers thereof.

Houses, Gardens, &c. not to be injured.

XVIII. And be it further enacted, That after any Lands, Grounds, Tenements, or Hereditaments shall be set out and ascertained for making the said Tunnel, or any Part or Parts thereof, and constructing the Buildings, Toll Houses, Ways, Roads, and other Works and Conveniences herein mentioned, or any of them, it shall be lawful for all Bodies Politick and Corporate, Husbards, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and for all Femes Covert who are or shall be seized, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and for every other Person or Persons whomsoever who is, are, or shall be seized, possessed of, or interested in any Lands, Grounds, Tenements, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same unto the said Company; and all Bodies Politick, Corporate, or Collegiate, and all other Persons whomsoever, so conveying as aforesaid, are hereby indemnified for what they shall respectively do in relation to any such Sale which he, she, or they, or any of them, shall make by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, and Assurances, shall be made at the Expence of the said Company, and such of them as shall be made of any Lands, Tenements, or other Hereditaments to the said Company, shall be made according to the following Form; (*videlicet*),

Bodies Politick empowered to sell and convey Lands.

Contracts and Sales to be made at the Expence of the Company.

‘ I *A. B.* of \_\_\_\_\_ in Consideration of the Sum of \_\_\_\_\_  
 ‘ to me paid [*or*, in Consideration of the annual  
 ‘ Rent of \_\_\_\_\_ to me to be hereafter yielded and paid  
 ‘ by Yearly or Half-yearly Payments, as may be agreed upon] by the  
 ‘ *Severn* Tunnel Company, do hereby grant and convey to the said Com-  
 ‘ pany all [*describing the Premises to be conveyed*], and all my Right, Title,  
 ‘ and Interest to and in the same, and every Part thereof, to hold to the  
 ‘ said Company and their Successors for ever by virtue and according to the  
 ‘ true Intent and Meaning of an Act of Parliament made in the Fiftieth  
 ‘ Year of the Reign of King *George* the Third, intituled, [*Here insert the*  
 ‘ *Title of this Act*].

Form of Conveyance.

XIX. And be it further enacted, That full and adequate Compensation shall be made to all and every the Owners of, and Persons interested in all or any of the Lands and Hereditaments to be taken or used, or which may in any Sort be injured or damaged by the Execution of the Powers of this Act, for the Value of such Lands and Hereditaments, and for the Damages to be sustained by the making and completing the said Works.

Satisfaction to be made.

[*Loc. & Per.*]

31 M

XX. Provided

If Parties are  
dissatisfied,  
Value to be  
ascertained  
by a Jury.

XX. Provided always, and be it enacted, That if any such Body, Trustee or Trustees, or other Person or Persons so interested or entitled as aforesaid, cannot agree with the said Company respecting the Sum to be paid for any Lands or Hereditaments, or the Satisfaction to be made for any Damages that may from Time to Time be sustained by him, her, or them, by the making and maintaining of the said Tunnel, or of any Part or Parts thereof, or of any of the Works thereunto belonging, and shall give Notice in Writing to the Clerk of the said Company, requiring a Jury to be summoned for the Purpose of determining such Purchase, Sum, or Satisfaction; or if any such Body Politick or Corporate, Trustee or Trustees, or other Person or Persons, shall upon Notice in Writing given by the said Clerk of the said Company to the principal Officer of any such Body Politick or Corporate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, or Occupier or Occupiers of any Lands or other Hereditaments to be made use of for the Purposes of this Act, neglect or refuse to treat, or shall not agree with the said Company, or by Reason of Absence or otherwise shall be prevented from treating, or through Disability, by Reason of Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreements as shall be necessary for the Purposes aforesaid, or shall not produce and fully disclose the State of the Title to the Premises which they are or shall be in Possession of, and to the Interest which they claim therein, then and in every such Case the Clerk to the said Company shall give Notice thereof to the Sheriff of the said County of *Gloucester*, or in case such Sheriff or his Under Sheriff shall be One of the Company, or shall enjoy any Office of Profit or Trust under them, or shall be otherwise interested in the Matter in question, then to any One of the Coroners of the said County who shall not be so interested as aforesaid, requesting such Sheriff or Coroner to impanel, summon, and return a Jury, and the said Sheriff or Coroner is hereby required accordingly to impanel, summon, and return a Jury of Twelve sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trials of Issues in His Majesty's Courts at *Westminster*, to appear at such Time and Place as in such Notice shall be appointed, such Time not being less than Fourteen Days nor more than Twenty-one Days after such Notice shall be served upon the said Sheriff or Coroner; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service (being so qualified as aforesaid) to make up the said Jury to the Number of Twelve, and every such Jury and Jurymen shall be liable and subject to the same Regulations, and to the same Pains and Penalties for Default, as if he and they had been returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff or Coroner is hereby empowered and required, by a Summons or Notice under his Seal of Office, either previously to or at the Time of any such Meeting or Meetings, to summon and call before him all and every Person or Persons who shall be thought necessary to be examined as Witnesses or Witnesses touching the Matters in question, and to hear and examine such Witnesses or Witnesses upon Oath, and may order and authorize the said Jury, or any Six or more of them, to

view

view the Place or Places, or Matter or Matters in question; which said Jury, upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons who shall be called upon to give Evidence, the said Sheriff or Coroner is hereby required to administer), shall enquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands, Tenements, or other Hereditaments, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same; which said Verdict shall be signed by the said Jury, and returned by the said Sheriff or Coroner, as the Case may be, to the next General Quarter Sessions of the Peace, and be there deposited with the Clerk of the Peace, and the same shall be deemed Records of the said Quarter Sessions, and shall be binding and conclusive, to all Intents and Purposes, against the said Company, and against all Bodies and Persons whomsoever, and shall not be removed by *Certiorari* or other Process into any of His Majesty's Courts of Record at *Westminster*, or any other Court whatsoever.

XXI. And be it further enacted, That if any Person so summoned and returned as aforesaid upon such Jury shall not appear or appearing, shall refuse to be sworn, or to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person summoned to give Evidence shall not appear, or appearing shall refuse to be sworn and examined, or to give Evidence, every Person so offending, having no reasonable Excuse, upon Proof thereof made before any of His Majesty's Justices of the Peace for the County of *Gloucester*, upon the Oath of any One or more credible Witness or Witnesses, shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant under the Hand and Seal of the said Justice, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to such Person the Overplus after such Penalty and the Charges of such Distress and Sale shall be deducted, and every such Penalty which shall be paid by or recovered from any Person who shall have been summoned on such Jury, or to give Evidence as aforesaid, shall go and be paid to the Person or Persons who shall appear to the said Justice to be injured by the Default of such Person.

Penalty on Jurors and Witnesses making Default.

XXII. And be it further enacted, That in every Case where a Verdict shall be given for more Money, or for a greater Annual Sum than had been previously offered, by or on behalf of the said Company, for the Purchase of any Lands or Hereditaments, or for any Damages sustained, or where, by reason of Absence or other Impediment or Disability, there shall not be found any Person at Hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compensations from the said Company, then and in all such Cases, the Expences of summoning such Jury, and taking such Verdict, shall be defrayed by the said Company; but if any Verdict shall be given for the same or a less Sum than had been previously offered by or on the Behalf of the said Company, or in case the calling out such Jury was rendered necessary by Means of the wilful Refusal or Neglect of the Person or Persons, or Body to enter into Treaty with, or make Conveyances to, or receive Compensations from the said Company, then and in all such Cases, the Costs and Expences of summoning such Jury, and taking such Verdict, shall be borne

Expences of Witnesses and Jury, by whom to be paid.

borne and paid by the Body or Bodies, or other Person or Persons with whom the said Company shall have such Concerns, Controversies, or Disputes; and in case of any Differences as to the Amount of the Costs to be in either Case paid, such Costs shall be settled by One of His Majesty's Justices of the Peace acting for the said County of *Gloucester*.

Notice of  
Injury to be  
given to  
Proprietors.

XXIII. And be it further enacted, That the said Company shall not be obliged, by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them, sustained or supposed to be sustained by virtue or in consequence of this Act; unless Application shall have been made in Relation thereto, by or on Behalf of such Person or Persons to the said Company, or to their Treasurer or Clerk, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained or the doing or committing thereof shall have ceased.

Power to  
enter and take  
Possession of  
Lands, &c.  
on Payment  
or Tender of  
Purchase  
Money.

XXIV. And be it further enacted, That upon Payment or legal Tender of a Sum or Sums of Money, as shall have been contracted or agreed for between the Parties, or assessed by such Juries in Manner aforesaid, for the Purchase of any such Lands, Tenements, or other Hereditaments, or as a Compensation for Damages as herein mentioned, to the Proprietor or Proprietors of such Lands, Tenements, or other Hereditaments, or to such Person or Persons as shall be interested therein, or entitled to receive such Sums of Money or Compensation respectively, or depositing the same in the Bank of *England*, in Manner by this Act, directed, as the Case may be, then it shall be lawful for the said Company, and their Agents, Workmen, and Servants, immediately to enter upon such Lands and Hereditaments respectively, (or before such Payment or Tender by Leave of the Owners or Occupiers thereof) and then and thereupon such Lands, Tenements, and other Hereditaments, together with the Yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested and become the sole Property of the said Company, for the Purposes of this Act for ever, and such Tender Payment, or Deposit, shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to, and be deemed, and construed to bar the Dower of the Wife of every such Person, and all Estates, Tail, and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person whomsoever therein.

Compen-  
sation to be  
made for the  
Tithes of the  
Lands to be  
taken.

XXV. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company for all the Tithes both Great and Small of the Lands which shall be taken or made use of by them for the Purposes of this Act, to the several Persons who now are, or at any Time hereafter may be, entitled to such Tithes, according to their respective Interests therein, such Satisfaction to be made by an Annual Rent, calculated on the Average Value of such Tithes for Four Years, commencing at *Christmas* One thousand eight hundred and nine; and such Value to be ascertained, in case of any Difference concerning the same, in like Manner as the Value of any other Lands or Hereditaments is herein directed to be ascertained; and in case such annual Sums shall

not be paid within Twenty-one Days next after the Times appointed for Payment thereof, it shall be lawful for any Two or more of His Majesty's Justices of the Peace for the County of *Gloucester*, and they are hereby required, by an Order under their Hands, to appoint One or more Person or Persons to receive the Tolls hereby granted and made payable, and to pay the same to such Person or Persons to whom such annual Sums shall be due and payable as aforesaid, the said Justices taking such Security from every such Person for the due and faithful Execution of his Office as they shall judge proper and sufficient; and every such Person so appointed shall be deemed a Collector of the said Tolls, and shall have the same Power and Authority for collecting the same, and shall receive and retain thereout such reasonable Satisfaction for his Trouble therein, as the said Justices shall determine, in like Manner as if he had been appointed a Collector of the said Tolls by the said Company, until such annual Sums, with all Costs and Damages occasioned by the Nonpayment thereof, shall be fully paid and satisfied; or it shall be lawful for such Person or Persons, or Bodies, to whom such annual Sums shall be due and owing as aforesaid, from Time to Time to sue for and recover the same, with Costs of Suit, by Action of Debt in any of His Majesty's Courts of Record, or otherwise to seize and distrain the Goods or Effects of the said Company, which shall be found within the said Tunnel, or in or upon the Toll Houses, Warehouses, or other Works thereto belonging (Information of such Distress being immediately given to the said Company by Notice in Writing delivered to some of their Clerks or Collectors of the Tolls, or affixed to some of their Toll Houses or Toll Gates), and to detain the same until Payment of such annual Sums then due and owing, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Five Days next after making the same, or Notice thereof given in Writing as aforesaid, then such Goods or Effects so distrained shall and may be sold or disposed of, in such Manner as the Law directs in case of a Distress for Rent.

XXVI. And be it further enacted, That the said Company shall, at the Option of the Owners or Proprietors of Lands through which the said Road shall be formed, be compellable to purchase the whole, or so much and such Part of any inclosed Piece of Land through which the said intended Road shall be made, not exceeding Five Acres, as the Owners and Proprietors of such inclosed Piece of Land shall require.

Company to purchase Lands separated in Pieces.

XXVII. And be it further enacted, That if any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, or other Hereditaments by reason of the Execution of any of the Powers given by this Act, and through or by Means not herein provided for, then and in every such Case such Damages shall be settled by the said Company, or by a Jury as aforesaid, and the same may be recovered, levied, and applied in Manner herein directed with regard to other Damages.

Damages not provided for to be settled.

XXVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred

Application of Compensation where exceeding 200l.

[Loc. & Per.]

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dred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the said Company, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other 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 Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement, shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purpose aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall, from Time to Time, be paid by Order of the said Court, to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation does not exceed 200l. nor less than 20l.

XXIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to 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 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 or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Company, such Nomination and Approbation to be signified in Writing, under the Hands of the nominating Parties, and the Seal of the said Company, in order that such Principal Money, and the Dividends arising thereon, may

may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XXX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where the Money is less than 20l.

XXXI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Company; 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 Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company, 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 of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them), subject to the Order, Controul, and Disposition of the 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 Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles;

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

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

XXXII. 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 Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the

Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto. 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 Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall, be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or 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 herein.

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

XXXIII. Provided also, and be it enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Acts and this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Company out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

On Completion of Tunnel, Ferry may be discontinued.

XXXIV. And be it further enacted, That from and after the said Tunnel shall have been completed, it shall be lawful for the Owner of the Ferry between the Parishes of *Newnham* and *Arlingham* aforesaid, to cause the Use of such Ferry to be discontinued; any Law, Statute, or Usage to the contrary notwithstanding.

Tolls.

XXXV. And be it further enacted, That it shall be lawful for the said Company to erect or cause to be erected a Turnpike or Toll-house at each End of the said Tunnel, and from Time to Time, and at all Times hereafter, to ask, demand, take, and recover for their own proper Use the several Tolls hereinafter mentioned, before any Passage shall be allowed into the same; (that is to say),

For all Goods carried in Carriages used on, or adapted to Rail or Tram Roads, the following Sums, *videlicet*,

For all Timber the Sum of One Penny *per* Foot:

For all rough building Stone, Stone for Repair of Roads, and Stone for Lime, the Sum of One Penny Halfpenny *per* Ton:

For all other Stone, and for Coal, Lime, and all other Goods, Commodities, Wares, and Merchandize whatsoever, the Sum of Three-pence *per* Ton.

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And for all Carriages of other Descriptions the following Sums, *videlicet*,

For every Wheel on every Coach, Chariot, Landau, Berlin, Chaise, Calash, Curricule, or Chair, the Sum of One Shilling and Sixpence :

For every Wheel on every Waggon, Wain, or Cart, the Sum of One Shilling :

For every Horse, Mare, Gelding, or Mule, not drawing, the Sum of Sixpence :

For every Ass the Sum of Three-pence :

For every Drove of Cows, Oxen, or Neat Cattle, the Sum of Five Shillings *per* Score, and so in Proportion for any greater or less Number :

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Two Shillings and Sixpence *per* Score, and so in Proportion for any greater or less Number :

For every Foot Passenger not being *bona fide* attending on or belonging to any Carriage passing the said Tunnel, the Sum of Two-pence.

XXXVI. Provided always, That Toll shall only be demanded or taken at One of the said Gates at each Time of passing the said Tunnel, and that all Passengers and Carriages shall be allowed to pass the other Gate upon the Production of a Ticket or Tickets, which Ticket or Tickets all and every Toll-gatherer and Toll-gatherers shall, and he and they are hereby required to give *gratis* on the Payment of such Toll or Tolls.

Tolls not to be taken at both Gates.

XXXVII. Provided also, and be it further enacted, That Tolls shall only be demanded or taken once of the Inhabitants of the Parish of *Arlingham* and *Newnham* aforesaid, for passing through the said Tunnel, and for returning again on the same Day ; and that the Inhabitants of the Parish of *Arlingham* aforesaid shall only be subject and liable to the Payment of One Half of the Tolls herein-before granted.

Inhabitants of Arlingham and Newnham to pay only once for passing and returning, and the Inhabitants of Arlingham to be subject only to Half Tolls. To enforce Payment of Tolls.

XXXVIII. And be it further enacted, That it shall be lawful for the said Toll-gatherer and Toll-gatherers to stop and prevent the Passage of any Person or Persons neglecting or refusing to pay the said Tolls, or any of them, or of the Horse, Beast, Cattle, Carriage, or other Thing, for or in respect whereof the said Tolls ought to be paid, or it shall be lawful for the said Toll-gatherer or Toll-gatherers to seize and detain the Horse, Beast, Cattle, Carriage, or other Thing, for which such Toll shall be payable, and in case the said Tolls shall not be fully paid and satisfied, together with all reasonable Costs and Charges of making, detaining, and keeping such Distress, within the Space of Five Days, the said Toll-gatherer or Toll-gatherers shall and may sell the same, rendering the Overplus (if any) after deducting the Costs and Charges of such Distress, to the Owner or Owners thereof.

XXXIX. And be it further enacted, That it shall be lawful for the said Company at any General or Special Assembly, to lower or reduce all or any of the said Tolls, and again to raise the same to such Sum or Sums as they shall think proper, not exceeding the Sums before mentioned, as often as it shall be deemed necessary for the Interest of the Undertaking.

Tolls may be altered.

XL. And be it further enacted, That all Persons shall have free Liberty to pass through the said Tunnel, and to lead or drive through the same any  
[*Loc. & Per.*]

Passage to be free upon Payment of Horse,

Tolls under  
certain Re-  
strictions.

Horse, Cattle, or other Beast, and Carriage upon Payment of such Toll as shall be demanded by the said Company not exceeding the respective Sums herein mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company by virtue of the Powers herein granted, provided that no Person or Persons shall with or without any Horse, Cattle, or other Beast, or Carriage without the Consent of the said Company or their Committee, pass through the said Tunnel at any other Times than between the Hours of Seven in the Morning, and Five in the Evening, during the Months of *November, December, January, and February*; between the Hours of Five in the Morning and Eight in the Evening, during the Months of *March, April, September, and October*; and between the Hours of Four in the Morning and Nine in the Evening, during the Months of *May, June, July, and August*, in every Year.

Penalty on  
damaging  
the Works.

XLI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously blow up, pull down, or otherwise damage or destroy the said Tunnel or any Part thereof, or any Engine thereunto belonging or other Works, or any Lamps or Lamp Irons set up therein, or shall wilfully or maliciously remove or take away any of the Materials or Works thereunto belonging, without the Authority of the said Company, or in anywise cause or procure the same to be done, every such Person so offending shall upon being lawfully convicted thereof be adjudged guilty of Felony, and be punished accordingly, or the Court at their Discretion in Mitigation of such Punishment may award such Sentence as the Law directs in Cases of Petit Larceny.

Tunnel not  
to be under  
the Commis-  
sioners of  
Sewers.

XLII. And be it further enacted, That the said Tunnel, or any of the Works whatsoever to be made, or Land to be purchased or made use of by virtue of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commission of Sewers, or to any Law or Statute whatever relating to Sewers.

Subscribers  
compelled to  
pay their Sub-  
scriptions.

XLIII. And be it further enacted, That the respective Persons who have subscribed, or who shall hereafter subscribe any Money for and towards making and maintaining the said Tunnel, and the other Works hereby authorized to be made, shall and are hereby required to pay the Sum or Sums by them respectively subscribed, (or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company by virtue of the Powers of this Act), at such Times and Places, and in such Manner as shall be directed by the said Company; and in case any of such Subscribers shall neglect or refuse to pay the same at the Time and Place, and in Manner so required for that Purpose, the said Company are hereby empowered to sue for and recover the same in any Court of Law or Equity.

Fines and  
Forfeitures.

XLIV. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye Law to be made in pursuance thereof, the Levying and Recovery whereof is or are not particularly herein-before directed, shall, in case of Nonpayment thereof, on Conviction of the Offenders respectively, on the Oath of any credible Witness or Witnesses, or by the Confession of the Party or Parties offending, be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand  
and

and Seal of any Justice of the Peace for the County of *Gloucester* aforesaid; and every such Justice is hereby authorized and required to examine Witnesses on Oath, and hear and determine the same; and all such Fines, Forfeitures, and Penalties (the Application whereof is not herein-before directed) shall be paid into the Hands of the Treasurer to the said Company, and shall be applied and disposed of for the Use of the said Company; and the Overplus of the Money raised by such Distress and Sale, after deducting the Fines, Penalties, and Forfeitures, and the Expences of such Distress and Sale, shall be rendered to the Owner of the Goods and Chattels so distrained; and for Want of sufficient Distress, and in case the Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

XLV. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case:

Persons  
aggrieved by  
Irregularity  
of Distress to  
recover only  
the special  
Damages.

XLVI. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That any Justice of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the following Form; (*videlicet*),

Conviction.

BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in \_\_\_\_\_ the Year of our Lord \_\_\_\_\_ *A. B.* is convicted before me *C. D.* One of His Majesty's Justices of the Peace for the County of *Gloucester* (*specifying the Offence, and the Time and Place when and where committed, as the Case may be*), contrary to an Act of Parliament passed in the Fiftieth Year of the Reign of King *George* the Third, intituled, [*Here set forth the Title of this Act*]. Given under my Hand and Seal the Day and Year first above mentioned.

Form of  
Conviction.

XLVII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye-law, or Order of the said Company, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, then and in such Case, he, she, or they may within Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at the General Quarter Sessions to be holden in and for the County of *Gloucester* aforesaid, (first

Persons  
aggrieved  
may appeal  
to the Quar-  
ter Sessions.

(first giving Fourteen Days Notice of such Appeal to the Person or Persons appealed against and of the Nature thereof, and within Ten Days after such Notice entering into a Recognizance before some Justice of the Peace, for such County or Place, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order and Award of the said Court thereon) and the said Justices shall upon due Proof of such Notice and Recognizance having been given and entered into, either hear and determine the said Appeal at such General Quarter Sessions, or if they think proper may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be holden for such County; and the said Justices may if they see Cause mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye-law, Order or Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall judge reasonable, but no Proceedings to be had and taken in pursuance of this Act, shall be quashed or vacated for want of Form, or be removed by *Certiorari*, or by any other Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Proceedings  
not to be  
quashed for  
want of Form,  
nor removed  
by *Certiorari*.

Limitation  
of Actions.

XLVIII. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons, Bodies Politic or Corporate, for any Thing done in pursuance of this Act, every such Action or Suit shall be brought or commenced within Six Calendar Months next after the Fact committed; or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County where the Matter in Dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants, in such Action or Suit, shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act, and if it shall appear to have been so done, or if any such Action or Suit shall be brought after the Time so limited for bringing the same, or in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become Nonsuit or suffer a Discontinuance of his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases by Law.

Treble Costs.

Public Act.

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