



ANNO QUARTO

# GEORGII IV. REGIS.

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## Cap. ii.

An Act for building a Bridge over the River *Severn*, at or near to the *Mythe Hill*, within the Parish and near to the Town of *Tewkesbury* in the County of *Gloucester*, to the opposite Side of the said River, in the Parish of *Bushley* in the County of *Worcester*; and for making convenient Roads and Avenues to communicate with such Bridge, within the Counties of *Gloucester* and *Worcester*.

[24th March 1823.]

**W**HEREAS it would be of great public Utility, as well as of infinite Benefit and Advantage to the Town of *Tewkesbury*, and the adjacent Parishes, Villages, and Places, if a Bridge were erected over the River *Severn*, at or near to a Place called the *Mythe Hill*, in the Parish and near to the Town of *Tewkesbury* in the County of *Gloucester*, to the opposite Side of the said River, in the Parish of *Bushley* in the County of *Worcester*; and if convenient Roads and Avenues were made to communicate therewith from the End of the present Road leading from *Ledbury* and passing through the Parish of *Eastnor* in the County of *Hereford*, at or near to a certain Place called the *Holly Bush*, in the Parish of *Castlemorton* in the County of *Worcester*, to pass through or into the several Parishes or Places of the *Berrow*, *Birtsmorton*, *Castlemorton*, *Longdon*, *Pendock*, and *Bushley*, or some of them, in the County of *Worcester*, and through or into the Parish of *Forthampton* in the County

[Local.]

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Recited Act  
extended to  
this Act.

of Gloucester; and also from the present Road leading from a certain Ferry called the *Lower Lode*, in the Parish of *Forthampton* in the County of Gloucester, commencing at or near to the Church in the Parish of *Forthampton* in the County of Gloucester aforesaid, and to pass from thence until it joins the first-mentioned Road in the Parish of *Bushley* in the County of Worcester; and also from the present Road leading from *Tewkesbury* to *Worcester*, at or near to the Place where the present Turnpike Gate at the *Mythe* now stands, and to pass from thence to the Foot of the intended new Bridge within the said Parish of *Tewkesbury*: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King George the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain and Ireland called England*: And whereas the beneficial Purposes before mentioned cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the 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 Roads hereby directed to be made and improved shall be deemed and taken to be Turnpike Roads within the Intent and Meaning of the said recited Act; and all and every Clause and Provision, Power, Regulation, Direction, and Restriction contained in the said recited Act, shall (except where the same is or are hereby expressly varied, altered or repealed) extend to and be in full Force and Effect with regard to the Roads hereby directed to be made and improved.

Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the Counties of Gloucester and Worcester respectively, together with *Richard Alcock, Mark Alley, Jacob Allis, Hagger Allis, Thomas Allis, Thomas Andrews, Charles Archer, Richard Archer (Stow), John Ashley (Clerk), George Battaster, Charles Banaster, John Berkeley, Francis Biddum, John Barber, William Bernard, Samuel Barnes, John Maccapen Barnes, John Kidderminster Barnes, William Barnes, Edward Barnes, William Barnett, Job Walker Baugh (Clerk), Robert Baylis, James Bennett, John Biddulph, Richard Biddulph, Thomas Blizard, Thomas Bloxham, William Boughton (Clerk), John Boughton, Joseph Boughton, Henry Boulter (Clerk), James Boulter, Thomas Boulton, Thomas Brookes, Edward Brown, Humphrey Brown, Edward Humphrey Browne, Thomas Browne, Michael Bryant, Edward Brydges, Edward Brydges the younger, Richard Buckle, William Buckle, Ambrose Brotheridge, John Bullock, John Barges, Thomas Caddick, William Caldwell, Edward Cawson, William Cawson, E. J. Chamberlayne, Charles Edward Chandler, Nathaniel Chandler, Samuel William Chandler, John Dobbins Clifton, Sir Christopher Bethel Codrington Baronet, William John Codrington, the Honourable John Codrington, Sir John Geers Cotterell Baronet, Charles John Cooke, Richard Coulston, the Honourable Henry Augustus Berkeley Craven, the Honourable Richard Keppel Craven, Charles Crew (Clerk), Francis Cross, George Dangerfield, Richard Darke (Clerk), Daniel Darke, Francis Darke, R. T. Davis Doctor in Divinity, the Right Honourable William Coventry commonly called Viscount Deerhurst, William Dillon, Benjamin Dobbins, William Dobbins, John Dolphin (Clerk), Vernon Dolphin, William Dowdeswell, Edward Christopher Dowdeswell Doctor in Divinity, John Edmund Dowdeswell, George Dowdeswell, William Dowdeswell the younger, John Dowdeswell,*

well, Edward Drinkwater, James Dudfield, George Dumble, George Dumble the younger, Charles Dunn (Clerk), Nathaniel Dyer, Thomas Easthope, Thomas Easthope the younger, John Easthope, the Right Honourable John Somers Cocks commonly called Viscount Eastnor, John Eddy (Clerk), Joseph Firkins, George Foxton (Clerk), William Freeman, Thomas Fulljames, Josiah Gist, Samuel Gist Gist, Philip Godsall, James Gorle, Robert Groves, Sir Berkeley William Guise Baronet, William Hale, George Hammerton, John Hampton Hampton, Charles Edward Hanford, Hardy, James, Hart, (Castlemoreton), Nathaniel Hartland, John Allis Hartland, Nathaniel Hartland the younger, Samuel Healing, Samuel Higgins, Joseph Higgins (Clerk), William Higgins (Chacely), John Higgins (Longdon), Joseph Higginson, John Hill, Robert Holland, John Hurd (Clerk), Thomas Humpidge, Joseph Hignell, Thomas Hignell, Thomas James, Leigh James, John Jelf, John Jenkins, Samuel Jew, John Jeynes, Richard Ingleman, John Insall, John Johnstone (Mainstone), Nicholas Jackson, Edmund Warden Jones, Elias Isaac, John Kedwards, John Keysell (Clerk), Charles Woodcock Keysell (Clerk), Thomas Knight, George Knight, William Lane (Ripple), William Leaver, Sir Anthony Lechmere Baronet, Edmund Hungerford Lechmere, Thomas Dawson Lewis, Omwell John Lloyd, Edmund Lloyd, Joseph Longmore, John Lord, Joseph Lord, William Lord, Richard Lord, Alexander Luders (Clerk), Charles Malvern, William Marks, John Martin, James Thomas Martin, Joseph Martin, William Martin, Joseph Martin (Clerk), Charles Martin (Severn Stoke), John William Martin, Charles Herbert Martin (Clerk), Thomas Martin, William George Maxwell (Clerk), Joseph Merrell, Thomas Merrett, Leonard Middleton (Clerk), John Moore, William Moore, John Cox Morris, James Motley, William Mumford, William Mumford the younger, Edwin Mutlow, Thomas Nash Doctor in Divinity, John Wakeman Newport, John New, Richard New, John Pitt Nind, Philip Nind, Benjamin Oakden, James Sutton Ollive, Thomas Orme, Thomas Osborne, Peter Osborne, Thomas Packer, John Packer, George Pennell, Joseph Ponsom, James Petley, William Phelps, William Law Phelps, Frederick Phelps, Pickering, Edward Pittaway, Thomas Pope, John Pope, Charles Porter, Thomas Chinnall Porter, Benjamin Porter, George Prior, William Prior, Charles Prior, William Phelps Prior, Frederick James Prior, Charles Prior the younger, John Pritchard, Edmund Probyn Clerk, John Probyn (Clerk), Michael Procter, William Procter, Thomas Procter, Richard Procter, Plumbtree (Clerk), William Prosser (Clerk), William Rayer, John Rayer, William Rayer the younger, Richard Rayer, John Rayer the younger, Thomas Rayer, Edward Reddell, Thomas Rawson, William Ricketts (Bredon), William Ricketts (Tewkesbury), Samuel Ricketts, Richard Rickford, Edward Robinson, David Ricardo, Ormand Ricardo, John Sadds, Henry Salmon, Thomas Jelf Sandilands, Daniel Ellis Saunders, Lewis Goodin Senior, Barnard Martin Senior, James Gate Senior, George Senior, Joseph Shapland (Clerk), Thomas Skipp, Charles Seale, William Smith (Ford), John Smith (Ford), Henry Smith, Robert Smith (Didcote), T. Spencer, Robert Spencer, James Spilsbury, John Spurrier, John Stephens, Edward Gresley Stone, George Talbott, John Taylor (Strensham), Giles Taylor, John Terrett, John Thackwell, William Thackwell, Thackwell Colonel in His Majesty's Service, John Thomas, William Thomas, Charles Tidmarsh, Henry Frederick Tidmarsh, John Timbrell Doctor in Divinity, Robert Lawrence Townsend Doctor in Divinity, Charles Hanbury Tracey, William Trinder, Daniel Trinder, Samuel Esthope Turner, William Tyler (Teddington), Thomas Vernon, William Wakeman, William Wall, Frederick John

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*John Wall* (Clerk), *George Watson*, *Edward Webb*, *Thomas Webb*, *Thomas Webb* the younger, *William Welch* (Hawford), *Edmund Wells*, *James Westcott*, *John White*, *William White*, *Richard White*, *Thomas Philips White*, *Thomas Whithorn*, *Henry Kear Whithorn*, *William Whitcombe*, *B Whitmore*, *Lindsey Winterbotham*, *Rayner Winterbotham*, *John Wintle*, *William Woodward*, *Thomas Bartholomew Woodman* (Clerk), *Henry Woodcock* Doctor in Divinity, *Reginald Winniatt* (Clerk), *Thomas Winniatt*, *Joseph York*, and *Robert Young*, and their Successors, to be elected in manner herein-after mentioned, shall be and they are hereby declared to be Trustees for carrying this Act and the said recited Act into Execution.

For appoint-  
ing additional  
Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting to be held for that Purpose, of which Meeting, and the Purpose thereof, Fourteen Days Notice shall be given in manner herein-after directed respecting Meetings for the Appointment of Trustees on Vacancies, to elect and appoint any Number of Persons not exceeding Five in the Whole, to be Trustees for executing this Act and the said recited Act, in addition to the Trustees hereby appointed; and such Trustees so elected and appointed, and being duly qualified, shall be and they are hereby invested with the same Powers and Authorities for executing this Act and the said recited Act, as if they had been herein named.

For appoint-  
ing Trustees  
on Vacancies.

IV. And be it further enacted, That when and as often as any of the Trustees (other than and except Justices of the Peace for the Time being, acting for the Counties of *Gloucester* or *Worcester*) appointed in or by virtue of this Act, shall die, or become bankrupt or insolvent, or become disqualified or incapable to act, or by Writing under their Hands shall refuse to act, it shall be lawful for the surviving or remaining Trustees to elect and appoint one other fit Person to be a Trustee in the Room of every Trustee dying, becoming disqualified, incapacitated, or refusing to act as aforesaid; provided that public Notice of the Time and Place of Meeting of the said Trustees for every such Election be given by the Clerk to the said Trustees, by affixing the same in Writing or Print upon all the Toll Gates, Posts, Bars, or Turnpikes, which shall be then erected by virtue of this Act, and by inserting such Notice in One or more of the Newspapers circulated in the said Counties of *Gloucester* and *Worcester*, Fourteen Days at least before every such Meeting; and every Person so nominated and appointed as aforesaid (being qualified as by this Act is directed), shall have the same Power and Authority to act as a Trustee in the Execution of this Act and the said recited Act, and he is hereby authorized and empowered to act, as fully and amply, to all Intents and Purposes, as if he had been herein named and appointed.

Qualification.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall in his own Right, or in the Right of his Wife, be in the actual Possession of, or in the Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person possessed of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds above Reprizes; nor unless he shall, before he shall act as such Trustee, take  
and

and subscribe an Oath or Affirmation before any Two or more of the Trustees appointed or to be appointed by or in pursuance of this Act, (who are hereby authorized and empowered to administer the same), in the Words or to the Effect following; (that is to say),

‘ I do swear, [*or, being one of the People called Quakers,*  
 ‘ I do solemnly affirm], That I am truly and *bonâ fide* in my own Right  
 ‘ [*or, in the Right of my Wife*] in the actual Possession and Enjoyment  
 ‘ of [*or, in the Receipt of Rents and Profits issuing out of*] Freehold  
 ‘ or Copyhold Lands, Tenements or Hereditaments, of the clear yearly  
 ‘ Value of One hundred Pounds above Reprizes, [*or, am Heir Apparent*  
 ‘ of \_\_\_\_\_, who to the best of my Knowledge is seised of Free-  
 ‘ hold or Copyhold Lands, Tenements, or Hereditaments, of the clear  
 ‘ Yearly Value of Two hundred Pounds, above Reprizes, *as the Case may*  
 ‘ *be*], and that I will faithfully and impartially, and without Favour or  
 ‘ Affection, discharge the several Trusts reposed in me by this Act and  
 ‘ the said recited Act. So help me GOD.’

[*Or, being a Quaker, omit the Words ‘ So help me GOD.’*]

VI. Provided always, and be it further enacted, That no Person appointed or to be appointed a Trustee in or by virtue of this Act shall be capable of acting as such in the Execution of this Act, or the said recited Act, in any Case where he shall be personally interested (except as here-  
 Trustees not to act when interested.  
 in-after provided), or during the Time he shall keep a Victualling House or other House of public Entertainment, or shall sell Wine, Cyder, Beer, Ale, Spirituous or other strong Liquors by Retail, or shall be a Lessee or Farmer of the Tolls granted by this Act, or of any Part or Parts thereof; and if any Person not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall nevertheless act as a Trustee in the Execution of this Act or the said recited Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit, in any of His Majesty’s Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign; Protection, Wager of Law, nor more than one Imparlance shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified, and not disqualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person had acted as a Trustee in the Execution of this Act or the said recited Act: Provided nevertheless, that no Act or Proceeding touching the Execution of this Act or the said recited Act, which shall be done or performed by any such unqualified or disqualified Person, previously to his being convicted of any of the Offences before mentioned, shall be thereby impeached or rendered nugatory, but all Proceedings shall be as valid and effectual as if such Person had been duly qualified: Provided always, that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon Credit of the Tolls, or receiving Interest thereon for the same, shall, on that Account only, be deemed disqualified to act as a Trustee in the Execution of this Act or the said recited Act; and such of the Trustees appointed or to be appointed under this Act, as are or may be in the Commission of the Peace, may act as such Justices of the Peace in the Execution of this Act and the said recited Act, within their respective Jurisdictions, notwithstanding  
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standing their being such Trustees, except in such Cases only wherein they shall be personally interested, otherwise than as a Trustee, Mortgagee, Assignee, Lender of Money, or Holder of any Security on the Credit of the Tolls granted by this Act.

Trustees not  
to hold Places  
of Profit, &c.

VII. And be it further enacted, That no Trustee appointed or to be appointed by virtue of this Act shall enjoy any Office or Place of Profit, or have any Share or Interest in; or be in any Manner directly or indirectly concerned in any Contract or Bargain for the building, making, or repairing of, or in any way relating to, the Bridge or Roads by this Act intended to be erected, made, or improved, or for the building or repairing of any Toll-House, Toll Gate, Toll Bar, or Weighing Engine, to be erected or placed thereon, or for the supplying any Materials for the Use of the same; nor shall any such Trustee let out for Hire or Gain any Waggon, Wain, Cart, or other Carriage, or any Horse, Cattle, or Team, for the Use of such Bridge or Roads, nor by himself, or by any other Person for or on his Account, directly or indirectly, receive any Sum or Sums of Money to his Use or Benefit, out of the Tolls to be collected under or by virtue of this Act, during the Time he shall be acting as Trustee in the Execution of this Act or the said recited Act; and if any Person after being appointed or elected a Trustee, and not having first duly resigned such Office at some Meeting of the Trustees to be held by virtue of this Act, shall hold any such Office or Place, or be concerned in any such Contract or Bargain, or shall sell any such Tools or Implements, or let out for Hire any Waggon, Wain, Cart, or Carriage, Horse, Cattle, or Team, or receive any Money out of the Tolls as aforesaid; every Trustee so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same; and shall, from and after the Conviction of any such Offence, be incapable of acting as a Trustee in the Execution of this Act or the said recited Act; and all Acts, Orders, Matters, and Things made or done by such Trustee, after such Conviction, shall be null and void to all Intents and Purposes; and all and every such Contract and Bargain shall be and the same is hereby declared to be void: Provided always, that all Acts, Orders, Matters, and Things, made or done by any such Trustee previously to his being convicted of such Offence, shall be good, valid, and effectual: Provided also, that nothing in this Act or the said recited Act contained shall extend, or be deemed or construed to extend, to any Trustee who shall receive any Money paid out of the Tolls by this Act directed to be raised, as or by way of Purchase Money, Damage, Rent, Recompence, or Satisfaction agreed upon or awarded to such Trustee for any Lands, Grounds, Tenements, or Hereditaments, purchased or taken for the Purpose of making, diverting, or altering, or for the Use of the Bridge or Roads hereby authorized to be erected, made, or improved, or for a Repository for Materials to be used thereon, or for any Damage done to any inclosed or private Ground of any such Trustee, in taking Materials therefrom, or in carrying or conveying them over the same, or to prevent any such Trustee from selling or disposing of or for the Use of such Bridge or Roads any Materials or any Timber grown or growing on the Land or Ground of such Trustee.

Meetings of  
the Trustees.

VIII. And be it further enacted, That the said Trustees shall meet at the *Swan-Inn* in the Borough of *Tewkesbury*, or at such other Inn or Place

Place within the said Borough of *Tewkesbury* as they may think fit, on the *Second Monday* next after the passing of this Act, or as soon after as conveniently may be, between Nine and Twelve of the Clock in the Forenoon, and shall then proceed to carry this Act and the said recited Act into Execution; and in case none or a less Number than Three of the said Trustees shall attend such Meeting, then such Meeting shall be and be deemed to be adjourned to the next Day, and so *toties quoties*, until a sufficient Number of the said Trustees shall attend at such Meeting, to act in the Execution of this Act and the said recited Act; and the said Trustees shall or may at such Meeting, and at their several Meetings to be holden for the Purposes of carrying this Act and the said recited Act into Execution, from Time to Time adjourn themselves, and appoint their next Meeting to be held at the same Place, or at such other Place within the said Borough of *Tewkesbury*, and at such Time, as the said Trustees shall from Time to Time order and direct; provided that no Adjournment shall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Trustees to act, or appearing, shall not adjourn such Meeting, the Clerk to the said Trustees shall from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day, within Fifteen Days then next following, to be holden at the same Place; and the said Clerk shall cause Notice thereof to be affixed on every Toll Gate then erected by virtue of this Act at least Ten Days before the Day to which such Meeting shall be so adjourned: Provided always, that no Business shall be done or proceeded upon by the said Trustees at any Meeting, except the First Meeting to be held under this Act, before Eleven of the Clock in the Forenoon; nor shall any Meeting be appointed to be held at any later Hour than Four of the Clock in the Afternoon of the Day on which such Meeting may be appointed to be holden; and at all their several Meetings the said Trustees shall pay and defray all their own Expences, except any Sum not exceeding Ten Shillings a Day for the Use of the Room wherein they shall meet for the Purposes of this Act and the said recited Act; and all Orders and Determinations of the said Trustees in the Execution of this Act and the said recited Act shall be made at a Meeting or Meetings to be held in pursuance hereof, and not otherwise (except in Cases hereby otherwise provided for); and no Order or Determination shall be made unless the major Part of the Trustees present at the respective Meetings to be holden in pursuance of this Act shall concur therein; and all Acts, Orders, and Proceedings relating to the Execution of this Act or the said recited Act, which are hereby directed to be had, made, done, or exercised by or before the said Trustees, and all the Powers and Authorities hereby or by the said recited Act in them vested generally, shall and may be had, made, done, and exercised by the major Part of the Trustees who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number of Trustees present at every such Meeting not being less than Three, (except in Cases where any other Number is by this Act named for any particular or special Purpose); and all Acts, Orders, and Proceedings had, made, or done by or before such Three Trustees, shall have the same Force and Effect, and be binding and conclusive on all Persons, and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed by or before all the said Trustees; and at every Meeting of  
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the said Trustees a Chairman shall in the first place be appointed, who, in case of an equal Number of Votes (including such Chairman's Vote) shall have the casting or decisive Vote; and no Order or Determination at any Meeting of the said Trustees, once made, agreed upon, or entered into, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to make such Revocation or Alteration shall have been given at a previous Meeting, holden pursuant to this Act, and shall have been entered in the Book of Proceedings of such Meeting, and unless such Notice, signed by any Two or more Trustees, shall also have been affixed on all the Turnpike Gates erected in pursuance of this Act, Twenty-one Days at least before such Meeting, nor unless such Revocation or Alteration shall be agreed to be made by Five Trustees at the least.

Meetings on  
Emergencies.

IX. And be it further enacted, That if after any Adjournment of the said Trustees, it shall on any Emergency be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall be adjourned, it shall be lawful for any Two or more of the said Trustees, or for the Clerk to the said Trustees, by an Order in Writing, signed by Two or more of the said Trustees, although not assembled at a Meeting, mentioning the Time, Place, and Purpose of such Meeting, to give Notice thereof in the Manner before directed, in which Notice shall be expressed the Time, Place, and Purpose of such earlier Meeting, such Time not being less than Fourteen Days after the Publication of such Notice; and all Orders and Determinations of the said Trustees at such Meeting shall be as valid as if the same had been made and done at any other Meeting of the Trustees held by virtue of this Act: Provided always, that no other Business than that which shall be specified in such Notice shall be transacted at any such Meeting; and such Meeting shall and may be adjourned to and be held at such Time and Place as any other Meeting under this Act is authorized to be adjourned to or held at.

General Annual Meetings to be held.

X. And be it further enacted, That the said Trustees shall and they are hereby required to hold a General Meeting, for the Purposes of this Act and the said recited Act, on a Day to be by them or any Three or more of them appointed, in the Months of *April, September, or October* in every Year after the Completion of such Bridge and Roads, of which Meeting Twenty-one Days Notice shall be given, by inserting the same in some Newspaper or Newspapers usually circulated in the Counties of *Gloucester and Worcester*, which said Meeting shall be called or known as "The General Annual Meeting of the Trustees;" and at such Meeting the Trustees assembled shall elect a Chairman for the Purposes thereof, and shall also audit their Accounts, and report the State of the Bridge and Roads hereby authorized to be erected, made, and improved.

If a sufficient Number of Trustees do not attend, another Meeting shall be appointed.

XI. And be it further enacted, That where a sufficient Number of the said Trustees shall not meet on the Day herein-before appointed for their First Meeting, or shall not meet on the Day appointed by any Adjournment for their Meeting, or for Want of a proper Adjournment, by which Means, or by some or one of them, the Intent of this Act may be frustrated, in all or either of the said Cases it shall be lawful for so many of the said Trustees as shall meet, or the major Part of them,  
or



or in case no Trustee shall be present, for the Clerk to the said Trustees to cause Notice to be affixed on all the Turnpikes or Toll Gates, Bars or Chains, which shall be then erected by virtue of this Act, and also in some of the public Newspapers circulated in the Counties of *Gloucester* and *Worcester*, at least Ten Days before the intended Meeting, appointing such Trustees to meet at the Place where the preceding Meeting was appointed to be held, or at the Place directed for the First Meeting of the said Trustees, if no such preceding Meeting shall have been held; and the said Trustees, when met in pursuance of such Notice, shall and may and they are hereby required to proceed to and carry this Act and the said recited Act into Execution, in the same and in as ample and full a Manner, to all Intents and Purposes, as they might or could have done if no such Neglect had happened.

XII. And be it further enacted, That all Orders and Proceedings of the Trustees, together with the Names of the Trustees present at every Meeting, shall be entered in a Book or Books to be kept by the Clerk to the said Trustees for that Purpose, and be signed by the Chairman of the Meeting or Meetings at which such Orders or Proceedings shall be from Time to Time made or had; and such Book or Books shall be open at all seasonable Times to the Inspection of any of the Trustees, without Fee or Reward; and such Orders and Proceedings, so entered and signed by the Chairman of such Meeting or Meetings as aforesaid, shall be deemed and taken to be original Orders and Proceedings; which said Book or Books, as well as the Book or Books in which the Oath or Affirmation directed to be taken by the said Trustees shall be entered, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, and all Entries in such Books respectively, shall and may be read in Evidence in all Courts whatsoever, in all Cases of Appeal, Prosecutions, and Actions whatsoever, touching or concerning any thing done in pursuance of this Act or of the said recited Act.

XIII. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of all the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor on the Tolls hereby authorized to be collected, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part thereof, without paying any thing for the same; and the said Book or Books shall be produced by the said Clerk at all Meetings of the said Trustees; and in case the said Clerk shall refuse to permit or shall not permit any of the said Trustees, or any such Creditor, to inspect any such Book or Books, or to take such Copies or Extracts as aforesaid, or in case such Clerk shall refuse or neglect to produce such Book or Books at any Meeting of the said Trustees, such Clerk shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be levied

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and

and applied in the same Manner as other Penalties are hereby directed to be levied and applied.

**Appointing  
Officers.**

XIV. And be it further enacted, That the said Trustees may and they are hereby empowered to appoint such Collector or Collectors of the Tolls, by this Act authorized to be collected, and Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Bridge and Roads, and such other Officers as the said Trustees shall think necessary, and such Collectors, Clerks, Treasurers, Surveyors and other Officers, or any of them, from Time to Time to remove ; and on the Removal, Death, or Resignation of any such Collector, Clerk, Treasurer, Surveyor, or other Officer, to appoint others in their Stead ; and the said Trustees may and they are hereby authorized and empowered, out of any of the Monies arising by virtue of this Act, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be employed in or about the Execution of this Act or the said recited Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services as the said Trustees shall deem reasonable ; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, true and perfect Accounts in Writing under their respective Hands of all Matters and Things committed to their Charge by virtue of this Act and of the said recited Act, and of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act and of the said recited Act, and shall shew how much thereof hath been paid and disbursed, and for what Purposes, together with proper Vouchers of all Monies which they shall respectively, to the Time of rendering such Accounts, have received, paid, or disbursed by virtue of this Act or the said recited Act, or for or on account or by reason of their respective Offices, 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 in Writing under their Hands authorize and empower to receive the same, and not otherwise ; and if any such Officer or Person shall refuse or neglect to render and give such Account, or to produce and deliver up such Vouchers, or shall refuse or neglect to pay such Money due on such Account in manner aforesaid ; or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Fourteen Days after being thereunto required by the said Trustees, all Books, Papers, Writings, Tools, Implements, Instruments, Matters, and Things in his Hands, Custody, or Power relating to the Execution of this Act or the said recited Act, or which he shall have disposed of without the Consent and Approbation of the said Trustees ; then and in every or any of the said Cases it shall be lawful for any Justice of the Peace for the County, City, Borough, or Place wherein such Officer or Person so refusing or neglecting shall be or reside, upon Complaint made to him for that Purpose, by or on the Behalf of the said Trustees, to make Inquiry of and concerning any such Default as aforesaid in a summary Way, and every such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause any such Officer or Person to be brought before him, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account if produced ; and if upon Confession  
of

of the Officer or Person against whom any such Complaint shall be made, or by the Oath (or in the Case of One of the People called *Quakers*, by the Affirmation) of any Witness, or upon Inspection of the said Accounts, if produced, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be due from and unpaid by such Officer or Person, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Money as shall appear to him to be so due and unpaid to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively, rendering to him the Overplus (if any) on Demand, after Payment of the Money remaining due, and deducting the Charges and Expences of such Distress and Sale; and if sufficient Distress cannot be found to answer and satisfy the said Money and the Charges of distraining and selling the same, or if any such Officer or Person shall not appear before the said Justice (unless for some sufficient Excuse to be allowed by the said Justice) at the Time and Place by such Justice appointed for that Purpose; or if appearing, shall refuse or neglect to give up to the said Trustees such Accounts, or to deliver up all Books, Papers, Writings, Vouchers, Receipts, Tools, Implements, Matters, and Things in his Custody or Power, relating to the Execution of his Office, or of this Act or the said recited Act; then and in any of the Cases aforesaid such Justice shall and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the House of Correction or Common Gaol of the County, City, Borough, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize, until he shall make and give a true and perfect Account, and shall produce and deliver up all Vouchers relating thereto, and shall have paid the Money (if any) due and owing by him as aforesaid, according to the Direction of the said Trustees, or shall have compounded and agreed with the said Trustees for such Money, and paid such Composition according to their Direction (which Composition the said Trustees are hereby empowered to make and receive); or until he shall deliver up such Books, Papers, and Writings, Tools, Implements, Instruments, Matters, and Things as aforesaid, or have given or made Satisfaction to the said Trustees concerning the same; but no such Officer or Person who shall be committed for want of sufficient Distress only, shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

XV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who shall be appointed to act as their Clerk in the Execution of this Act or the said recited Act, or the Partner of or Clerk to or Person employed or retained by any such Clerk to be or to hold the Offices of Clerk and Treasurer for the Purposes of this Act or the said recited Act, or to appoint the Person who shall be appointed Treasurer, or the Partner of or Clerk to or Person employed or retained by any such Treasurer, to be the Treasurer and Clerk to the said Trustees for the Purposes of this Act or the said recited Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act or the said recited Act, or if any Person being the Partner of or Clerk to or Person employed or retained by any such Clerk, shall act as Treasurer, or being the Partner of or Clerk to or Person employed or retained by any such Treasurer, shall act as Clerk in the Execution of this Act or the said recited Act, every Per-

Offices of  
Clerk and  
Treasurer  
not to be held  
by the same  
Person.

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son so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, 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, nor more than one Imparlance shall be allowed.

Treasurer to  
give Security.

XVI. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, or other Officers or Persons to be appointed by them for the Purposes of this Act or the said recited Act, for the due and faithful Execution of their respective Offices, before any such Treasurer, Receiver, Collector, or other Officer shall enter upon his Office.

Trustees may  
appoint temporary  
Officers.

XVII. And be it further enacted, That upon the Death, Neglect, Refusal, Incapacity, Absconding, Absence, or any other Disqualification of any Treasurer, Receiver, Collector, or other Officer appointed by virtue of this Act, it shall be lawful for any Three or more of the said Trustees, although not assembled at any Meeting of the Trustees appointed by virtue of this Act, by Writing under their respective Hands, to nominate and appoint a proper Person to be a Treasurer, Receiver, Collector, or other Officer, to continue until the then next Meeting of the said Trustees, in the Stead of such Treasurer, Receiver, Collector, or other Officer as shall so die, neglect, refuse, become incapable, abscond, absent himself, or become otherwise disqualified; which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects as the Person in whose Place or Stead he or she shall be so appointed.

Trustees may  
sue and be  
sued.

XVIII. And be it further enacted, That the said Trustees may sue and be sued in the Name of any one of such Trustees, or in the Name of their Clerk or Treasurer for the Time being; and no Action or Suit to be brought or commenced by or against the said Trustees, in the Name of any one of such Trustees, or of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of any such Trustee, Clerk, or Treasurer, or by the Act of any such Trustee, Clerk, or Treasurer, without the Consent of the said Trustees, but that any one of such Trustees, or the Clerk or Treasurer for the Time being to the said Trustees, shall always be deemed to be the Plaintiff or Defendant (as the Case may be) in every such Action or Suit: Provided always, that every such Trustee, Clerk, or Treasurer, in whose Name any Action or Suit shall be commenced, prosecuted, or defended as aforesaid, shall be fully reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences as he shall be put unto or become chargeable with or liable to by reason of his being so made Plaintiff or Defendant as aforesaid: Provided always, that such Trustee, Clerk, or Treasurer shall not, on account of being so made Plaintiff or Defendant, be deemed an inadmissible Witness in any such Action, Suit, or Proceeding.

Auditing  
Accounts.

XIX. And be it further enacted, That the said Trustees shall, and they are hereby required, at their General Annual Meeting in each Year, to examine

examine into, audit, and settle the respective Accounts of the Treasurers, Clerks, Surveyors, and other Officers or Persons appointed by them, and to require such Treasurers, Clerks, Surveyors, and other Officers or Persons, to produce their respective Books, Accounts, Papers, and Vouchers, and to examine into the Revenues and Debts, distinguishing Bond from Simple Contract Debts, of the Bridge and Roads hereby authorized to be erected, made, and improved; and when the Accounts of the said Treasurer, Clerk, and Surveyor shall be settled and allowed by the Trustees present at such Meeting, the same shall be signed by the Chairman of such Meeting; and if any Treasurer, Clerk, Surveyor or other Officer or Person as aforesaid, shall refuse or neglect to produce his Accounts, or any Book, Paper, or Voucher required to be produced by him, such Treasurer, Clerk, Surveyor, or other Officer or Person, shall be dealt with according to the Provisions herein-before contained, with regard to Officers refusing to account or deliver up Books or Papers, or pay over Money in their Hands; and when and as soon as the said Accounts of the Treasurer, Clerk, Surveyor, or other Officer or Person shall be audited, allowed, and signed, the Clerk to the said Trustees shall forthwith make out a Statement of the Debts, Revenues, and Expenditure, received or incurred on account of the Trusts of this Act, in the Form contained in the Schedule to this Act annexed, or in such other Form as the said Trustees shall from Time to Time order and direct, which said Statement shall be submitted to the Trustees assembled at such Meeting, and when approved of by the Majority of them, shall be signed by the Chairman of the said Meeting; and the said Statement being so approved of and signed, the said Clerk shall within Thirty Days thereafter transmit the same to the Clerks of the Peace of the Counties of *Gloucester* and *Worcester*; and if the Clerk to the said Trustees shall refuse or neglect to make out such Statement as aforesaid, or to transmit the same within the Time herein-before mentioned, such Clerk so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered as herein-after directed with respect to other Penalties.

XX. And be it further enacted, That the said Trustees shall, immediately after such Accounts and Statements have been examined, audited, and signed, cause a sufficient Number of Copies of such Statements to be printed, and direct their Clerk to transmit one Copy thereof to each acting Trustee, who shall have acted, at Three public Meetings in that Year, in the Execution of this Act and the said recited Act.

Statements to  
be printed,  
&c.

XXI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully authorized and empowered, by and out of the Monies to be raised by virtue of this Act, to design, erect, and build, or cause to be designed, erected, and built, and to maintain and keep in repair, with Stone, Iron, or other Materials, a good and substantial Bridge across the River *Severn*, from the South-west Part of the *Mythe Hill*, or near or adjoining thereto, within the Parish and near to the Town of *Tewkesbury* in the County of *Gloucester*, to the opposite Side or Shore of the said River in the Parish of *Bushley* in the County of *Worcester*, with a proper Approach to such Bridge at each End thereof for the Passage of Travellers, Cattle, and Carriages, and of such Form, Construction, and Dimensions as to the said Trustees shall seem most advantageous and convenient, subject to the Provisions herein-after contained; and for that

Power to  
build a  
Bridge.

[*Local.*]

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Purpose

Purpose to deepen and widen the said River, and to cut the Banks thereof, and to dig up and remove any Shelves, Shoals, Gravel, Sand, Mud, Earth, or other Impediments or Obstructions in the said River; and also to set out and make any new Road or Roads, and to vary, alter, divert, widen, and improve any present Roads or Highways, so as to open a Communication with the said Bridge, and to facilitate the Access thereto, from the End of the present Road leading from *Ledbury*, and passing through the Parish of *Eastnor* in the County of *Hereford*, at or near to a certain Place called *The Holly Bush* in the Parish of *Castlemorton* in the County of *Worcester*, to pass through or into the several Parishes or Places of *The Berrow*, *Birtsmorton*, *Castlemorton*, *Longdon*, *Pendock*, and *Bushley*, or some of them, in the County of *Worcester*, and through or into the Parish of *Forthampton* in the County of *Gloucester*; and also from the present Road leading from a certain Ferry, called *The Lower Lode*, in the said Parish of *Forthampton*, commencing at or near to the Church in the said Parish of *Forthampton*, and to pass from thence, until it joins the first-mentioned Road in the Parish of *Bushley* aforesaid; and also from the present Road leading from *Tewkesbury* to *Worcester*, at or near to the Place where the present Turnpike Gate at the *Mythe* now stands, and to pass from thence to the Foot of the said Bridge, within the said Parish of *Tewkesbury*; and also to make Contracts, and to do all other Acts, Matters, and Things necessary for building and maintaining such Bridge, and for making, varying, altering, diverting, widening, improving, and maintaining the said Roads, they the said Trustees, their Agents, Officers, Workmen, and Servants, doing as little Damage as may be in the Execution of the several Powers hereby granted to them, and first making full Satisfaction, in Manner herein-after directed, to the Owners, Proprietors, or Occupiers of, and all Persons interested in any Lands, Tenements, or other Hereditaments, which shall be made use of or injured in or by the Execution of this Act or the said recited Act; and this Act shall be sufficient to indemnify the said Trustees, their Agents, Officers, Workmen, and Servants, and all other Persons acting under their Authority, for what they or any of them shall do by virtue of this Act, or the said recited Act.

Current of River not to be impeded.

XXII. But in order that the Current of the said River and the Navigation thereof may not be unnecessarily impeded or obstructed, be it further enacted, That the several Piers to be erected in the Channel of the said River for the Support of the said Bridge shall not in the whole exceed the Breadth of Eighteen Feet at the Level of low Water; and that the Crown of the Centre Arch of the said Bridge shall be raised to the Height of not less than Ten Feet above the Level of the Western Bank of the said River, contiguous to the Place where such Bridge shall be erected.

Not to erect on Bridge any House but Toll House.

XXIII. And be it further enacted, That it shall not be lawful for the said Trustees to erect, or suffer to be erected, upon the said Bridge, any House or Building other than a Toll House, Toll Gates, and Posts, Weighing Machines, Lamp Posts or Irons, and such other Erections as may be necessary for the Collection and receiving of the Tolls to arise thereat.

Embankments, &c. to be made.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to raise, form, and

and erect such Causeways and Embankments on the Eastern and Western Sides of the said River *Severn* as they may think necessary or proper, for raising and keeping the Roads hereby authorized to be made and constructed to communicate with the said Bridge, above the Level of Floods, with such Arches, Culverts, Openings, Ditches, Drains, and Watercourses through or under the same, for insuring the free Passage of the Waters in Time of Floods, as shall be thought necessary and required by *William Dowdeswell* Esquire and the Reverend *Joseph Martin*, the Owners of Land lying above the Line of the said Roads contiguous to the River *Severn*; and that all Costs, Charges, and Expences incident to or attending the making and forming such Works, and the maintaining the same in Repair, shall be defrayed and paid by the said Trustees, and shall be deemed Part of the Costs and Charges of carrying this Act into Execution.

XXV. Provided always, and be it further enacted, That if at any Time hereafter the Measures herein-before provided for securing a sufficient Passage for the Waters in Time of Floods shall be proved to be insufficient, and by means or in consequence of the damming up or obstructing of the Waters in the Time of Floods by such Causeways and Embankments, the Water in Flood-time, within the Distance of One hundred Yards above such Causeways and Embankments, shall be raised and kept up to a Level of Six Inches higher than the Level of the Waters in Flood-time below such Causeways and Embankments, then and in every such Case and when and so often as such Effect shall be proved to have been produced, otherwise than by any sudden or unavoidable Cause, the said Trustees shall and they are hereby required as soon as may be, out of the Monies to be raised by virtue of this Act, to cause such additional Arches, Culverts, Openings, Ditches, Drains, and Watercourses to be erected, made, cut, formed, and maintained through or under the said Causeways and Embankments, as shall be fully sufficient to ensure the Passage of all such Waters in Flood-time with as little Obstruction as possible, and to preserve the Level of such Waters in Time of Flood, at the Distance of One hundred Yards above the said Causeways and Embankments, within Six Inches of the Level of the Waters, at the Distance of One hundred Yards below the Level of the same.

Passage of the River to be kept free and open.

XXVI. And whereas there is at present an ancient Ferry across the River *Severn*, at the *Upper Lode*, near to the Place where the said Bridge is proposed to be erected, which will be rendered unnecessary in consequence of the Erection of the said Bridge; be it therefore further enacted, That the said Trustees shall and they are hereby required, when and as soon as the said Bridge shall be completed and opened for the Public to pass over, to purchase absolutely the said Ferry at the *Upper Lode*, for such Sum of Money as shall be deemed to be a full Compensation for the same; and in case the said Trustees and the Owner or Proprietor of the said Ferry shall not agree as to the Purchase Money to be paid for the same, then and in such Case the Amount thereof shall be ascertained and settled in the same Manner in all Respects as is herein-after directed respecting the Purchase Money to be paid for Lands and Damages; and such Money and the Proceeds thereof shall be paid, applied, and disposed of in the same Manner as the Satisfaction and Damage to be paid to the Owners and Proprietors of and other Persons interested in Lands, Tenements,

Trustees to purchase the Upper Lode Ferry.

Tenements, and Hereditaments, to be taken or used for the Purposes of this Act, are herein-after directed to be applied and disposed of.

Power to take Lands.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees to take and use any Lands, Grounds, Tenements, and Hereditaments which may be deemed necessary and convenient for the making, improving, widening, altering, varying, or diverting any Road, Access, or Avenue to or from the said Bridge, upon giving Six Months Notice in Writing of such their Intention to the Owner or Owners, Occupier or Occupiers of such Lands, Grounds, Tenements, and Hereditaments, and first making Satisfaction to the Owner or Owners, Occupier or Occupiers of such Lands, Grounds, Tenements, and Hereditaments, in Manner herein-after directed: Provided always, that it shall not be lawful for the said Trustees to retain, after the Completion of the said Bridge and Roads, Accesses or Avenues, any Lands or Grounds to be so taken as aforesaid, exceeding the Breadth of Sixty Feet, nor to erect or build upon any Part of the said Lands or Grounds to be so retained as aforesaid any House or Building, except such Toll Houses, Weighing Houses, and other Erections as shall be necessary for such Bridge and Roads, Accesses or Avenues.

Trustees not to deviate from Plan deposited with Clerk of Peace.

XXVIII. And whereas a Map or Plan, and Book of Reference, describing and delineating the Line of the said Roads, and the Lands through which the same are to be carried, have been deposited with the Clerks of the Peace for the said respective Counties of *Gloucester* and *Worcester*, and for the said Borough of *Tewkesbury*; be it therefore further enacted, That the said Map or Plan, and Book of Reference, shall remain in the Custody of the said respective Clerks of the Peace, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies thereof or Extracts therefrom at their Will and Pleasure, paying to such respective Clerks of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every Seventy-two Words of such Copies of or Extracts from the said Book of Reference; and the said Trustees in making the said Roads shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees confined to a particular Line of Road.

XXIX. And whereas upon the said Map or Plan, deposited as aforesaid, Two Lines of new Road are delineated leading from the Site of the said intended Bridge, to communicate with the ancient Highway in the Parish of *Bushley*, one of such Lines being marked with the Letter (A.) at each End thereof, and the other of the said Lines being marked with the Letter (B.) at each End thereof, and it will be most beneficial and commodious to the Public and less injurious to the Owner and Occupiers of the Lands and Grounds through or over which such new Road so to communicate as aforesaid is intended to be made, for the Road marked as aforesaid with the Letter (B.) to be used and adopted as the Access or Avenue to communicate with the said intended Bridge; be it therefore further enacted, That the said Trustees shall and they are hereby directed, authorized, and required to make and construct the Road, Access, or Avenue to communicate with the said Bridge on the western Bank of the said



said River *Severn*, in the said Parish of *Bushley*, in the Line and Direction and as the same is laid down and delineated on the said Map or Plan, and marked at each End thereof with the Letter (B.), and not in the Line and Direction marked with the Letter (A.), subject nevertheless to the Powers of Variation from the Line laid down in the said Map or Plan in other Cases hereby given.

XXX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make and construct the Accesses and Avenues to communicate with the said Bridge, and to make, improve, widen, alter, vary, or divert the Roads herein mentioned, in, through, across, or over the Lands, Grounds, Tenements, and Hereditaments of any Person or Persons who is or are or may be the Owner or Owners of any of the Lands, Grounds, Tenements, or Hereditaments set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said Counties of *Gloucester* or *Worcester*, or for the said Borough of *Tewkesbury* (within their respective Jurisdictions), and be certified accordingly by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake.

Misnomers in the Book of Reference not to prevent Trustees from taking Property.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees to treat, contract, and agree, not only with the Owners of or Persons interested in the said Ferry called the *Upper Lode*, but also with the Owners of or Persons interested in any Lands, Grounds, Tenements, or Hereditaments which the said Trustees shall judge necessary to be taken for the Purposes of this Act, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by or in consequence of the constructing or building of such Bridge, or by the making and improving the Roads, Accesses, or Avenues thereto; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and for all Tenants for Life, and Tenants in Fee Tail general or special, or for Years determinable on any Life or Lives, whether in Possession, Reversion, Remainder, Expectancy or otherwise, and to and for all Husbands, 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 or on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or as entitled to Dower or other Interest therein, and to and for all and every other Person and Persons whomsoever who is, are, or shall be seised, possessed of, or interested in the said Ferry, or in any such Lands, Grounds, Tenements, or Hereditaments, to contract and agree with the said Trustees for the Sale thereof, or for the Satisfaction to be made for the same, or for such Damages as aforesaid; and by Conveyance, Lease and Release, or Bargain and Sale, to sell and convey unto the said Trustees all or any such Lands, Grounds, Tenements, and Hereditaments, or any Part or Parts thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made shall be good, valid, and effectual in the Law to all Intents and Purposes, with-

Trustees may purchase Lands, &c.

[Local.]

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out Fine or Recovery, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever; any Law, Statute, Usage, Custom, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life, in Tail, or for Years determinable on Life or Lives, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, and Administrators, and all other Trustees and Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

Bodies Politic, &c. may receive Satisfaction for Lands, &c.

XXXII. And be it further enacted, That all and every Bodies and Body Politic, Corporate or Collegiate, Ecclesiastical or Civil, and Tenant or Tenants for Life, and Tenant or Tenants in Fee Tail General or Special, or for Years determinable on any Life or Lives, whether in Possession, Remainder, Reversion, Expectancy or otherwise, and all Feoffees in Trust, Executors, Administrators, Femes Covert, Husbands, Guardians, Committees, Trustees, and all and every other Person or Persons who is or are seised, possessed of, or interested in any Lands, Grounds, Tenements, Ferries, or Hereditaments, through, in, or upon which the said Bridge, Roads, Accesses, or Avenues thereto, and other Works are hereby authorized to be built, constructed, and made, or which may be affected thereby; may and are hereby empowered to accept and receive Satisfaction for the Value of such Lands, Grounds, Tenements, and Hereditaments, and for the Damages to be sustained by or in consequence of the making and completing the said Works hereby directed and authorized to be made, and also for any Injury or Damage whatever that shall affect any such Person or Persons either as Leaseholder, Tenant at Will, or otherwise, as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Trustees.

When Persons neglect or refuse to treat, Value to be ascertained by a Jury.

XXXIII. And be it further enacted, That if any such Body Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, or any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee of or for any Lunatic or Idiot, or any Feme Covert, or any Tenant for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, whether in Possession, Remainder, Reversion, Expectancy or otherwise, or any Owner, Proprietor, Occupier, or other Person or Persons so interested in or entitled to any such Ferries, Lands, Grounds, Tenements, and Hereditaments, or in or to the Occupation thereof as aforesaid, shall for the Space of Thirty Days next after Notice to him, her, or them given, or left in Writing at the last or usual Place of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of any such Ferries, Lands, Grounds, Tenements, or Hereditaments, neglect or refuse to treat, or shall not agree with the said Trustees respecting the Purchase of or Compensation for such Ferry, or any Lands, Grounds, Tenements, or Hereditaments, or respecting the Satisfaction to be made by the said Trustees for any Damage that may be sustained by him, her, or them, or any of them, by the building of the said Bridge, or by the making and improving of the said Roads, Avenues, and Accesses thereto, or by any of the Works thereto belonging and hereby

hereby authorized to be made, or by reason of Absence or otherwise shall be prevented from treating, or through Disability, Inability, Marriage, Coverture, Insanity, Lunacy, Idiotism, or other Impediment, cannot treat for themselves, or make such Agreement or Agreements with the said Trustees as shall be necessary for the Purposes aforesaid, or shall not within such Thirty Days as aforesaid, produce and fully disclose the Title to such Ferries, Lands, Grounds, Tenements, and Hereditaments; then and in every such Case the said Trustees shall and they are hereby empowered and required to issue a Warrant under their Hands and Seals, directed to the Sheriff of the County in which the Matter in question shall arise, or to the Bailiffs for the Time being of the Borough of *Tewkesbury*, if the Matter in question shall arise within the said Borough; and in case any such Sheriff or the Bailiffs of the said Borough shall enjoy any Office or Place of Profit under this Act or the said recited Act, or shall be otherwise interested in the Matter in question (except as a Trustee acting in the Execution of this Act and the said recited Act,) then to any One of the Coroners of such County, or the Coroner for the said Borough, who shall not be so interested as aforesaid (except as Trustee as aforesaid); and in case such Coroner shall be so interested, then to the last Person who filled the Office of Sheriff of such County, and High Bailiff of such Borough, who shall not be so interested as aforesaid (otherwise than in being or acting as a Trustee as aforesaid,) commanding such Sheriff or his Under Sheriff, Bailiffs, Coroner, or such other Person, to impanel, summon, and return, and such Sheriff, Under Sheriff, Bailiffs, Coroner, or such other Person is and are hereby authorized and required accordingly to impanel, summon, and return a Jury of Twenty-four sufficient and indifferent Men, qualified according to Law to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the said Trustees at such Time and Place as in such Warrant shall be appointed, such Time not being less than Fourteen Days nor more than Twenty-eight Days after such Warrant shall be served upon such Sheriff, Under Sheriff, Bailiffs, Coroner, or such other Person, and Fourteen Days Notice in Writing at the least being given under the Hand of the Clerk to the said Trustees to such Owners, Proprietors, Occupiers, Corporations, Trustees, or other Persons interested in the Matter in question, or left at the respective Dwellings or last Places of Abode of such Person or Persons, or at the Head Officer or Officers of such Corporations, of the Time and Place of the said Jury's being so impanelled; and the said Trustees shall and they are hereby empowered and required, out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, to swear or cause to be sworn Twelve (which Oath the said Trustees or any Two of them are hereby empowered and required to administer), who shall be a Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, Under Sheriff, Bailiffs, Coroner, or other Person shall return other sufficient and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service (being qualified as last aforesaid), to make up the said Jury to the Number of Twelve; and it shall be lawful for all Persons concerned in the Matter in question, by themselves, their Counsel, Attorney, and Solicitor, to attend and be heard, and to adduce Evidence before the said Sheriff, Under Sheriff, Bailiffs, Coroner, or such other Person respectively; and such Persons so concerned in the Matter in question shall have their lawful Challenge against the said Jurymen when they come to be sworn, but shall not challenge

challenge the Array; and the said Trustees are hereby empowered and required, by a Summons or Notice to be signed by any Three or more of them, either previous to or at the Time of any such Meeting, to call before such Jury and examine upon Oath, or being of the People called *Quakers*, upon Affirmation, all and every or any Person or Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises; and the said Trustees may and they are hereby empowered, if Occasion shall require, to order and cause the said Jury or any Six or more of them to view the Place or Places in question, and to use all other lawful Ways and Means as well for their own as the Jury's better Information in the Premises, as the said Trustees shall think fit, which Jury upon their Oaths (which Oaths the said Trustees or any Two of them are hereby empowered and required to administer) shall and are hereby empowered and required to inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Ferries, Lands, Grounds, Tenements, and Hereditaments, or what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested therein, for or on account of the taking of such Ferries, Lands, Grounds, Tenements, and Hereditaments, for the Purposes of this Act or the said recited Act, or of making, diverting, turning, or improving any Part of such Roads, Avenues, or Accesses to the said Bridge, into, over, or through the same; and after the said Jury shall have inquired of, ascertained, and settled such Damage, Recompence, and Satisfaction, the said Trustees shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid out of the Money authorized to be raised by this Act, to the said Owners or Occupiers of or other Persons interested in the said Ferries, Lands, Grounds, Tenements, and Hereditaments, according to such Verdict or Inquisition of the said Jury; and such Verdict or Inquisition, and Judgment, Order or Determination therein pronounced as aforesaid, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim any Estate in Fee Simple or Fee Tail General or Special, for Life or Lives, or for Years determinable on any Life or Lives, in Possession, Reversion, Remainder, Expectancy, or otherwise howsoever, their Heirs, Successors, Executors, and Administrators, Infants, Issue unborn, Females Covert, Persons beyond the Seas, Idiots, Lunatics or Insane, and Persons under any other Disability whatsoever, Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all and every Person 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; any Law or Statute to the contrary thereof notwithstanding; and all and every such Owners and Occupiers of, and all and every Person and Persons interested in such Ferries, Lands, Grounds, Tenements, and Hereditaments, shall upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, or upon depositing the same in the Bank of *England* in the Manner directed by this Act, as the Case may require, be thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same; and it shall be lawful for the said Trustees and they are hereby fully empowered, after the Purchase of the said Ferry shall be completed, to cause the same to be thenceforth wholly discontinued; any Law, Statute, or Usage to the contrary notwithstanding.

XXXIV. And

XXXIV. And be it further enacted, That if any Sheriff, Under Sheriff, Bailiff, Coroner, or other Person directed to impanel, summon, and return such Jury as aforesaid, or his or their Deputy, Agent, or Officer, shall make default in the Premises, he shall for every Offence forfeit and pay the Sum of Ten Pounds, to be recovered by Action of Debt, or on the Case, by the said Trustees, or by such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, or other Person or Persons interested in the Matter in question; and if any Person so impanelled, summoned, and returned as aforesaid on such Jury shall not appear, without sufficient Excuse to the contrary, or appearing shall refuse to be sworn on the said Jury, or being so sworn, shall refuse to give or shall not give his Verdict, or shall in any other Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act, such Person shall for every such Offence forfeit and pay the Sum of Five Pounds, to be recovered and levied in the Manner herein-after mentioned in respect of Persons summoned to give Evidence before such Jury; and if any Person so summoned and required to give Evidence before the said Jury, shall neglect or refuse to appear (having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences), and shall not shew sufficient Cause to the said Trustees for not appearing, or appearing shall refuse to be sworn (or being One of the People called *Quakers* to affirm) or to give Evidence, then and in every such Case such Person so offending, upon Proof thereof made before One or more of His Majesty's Justices of the Peace for the County, Borough, or Place, in which the Matter in question shall arise, upon the Oath or Affirmation of One credible Witness, or more, or upon the Confession of the Party so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, at the Discretion of such Justice; and in case such Penalty shall not be forthwith paid, it shall and may be levied by virtue of any Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to such Person the Overplus (if any) after such Penalty and the Charges of Distress and Sale shall be deducted; and every such Penalty which shall be paid or recovered from any Person who shall be impanelled, summoned, and returned on such Jury, or to give Evidence as aforesaid, shall go and be paid to the Person or Persons who shall appear to such Justice to be injured by the Default of such Person.

Penalty on Sheriff, &c. neglecting Duty.

XXXV. And be it further enacted, That every Person who in any Examination to be taken on Oath or Affirmation, by virtue of this Act or the said recited Act, shall wilfully give false Evidence, or falsely affirm, or otherwise forswear himself or herself before any such Jury, or before any Justice of the Peace or Trustee acting as such in the Execution of this Act or the said recited Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties, as any Person guilty of wilful and corrupt Perjury is by the Laws in being subject and liable to.

Persons giving false Evidence.

XXXVI. And be it further enacted, That every Body Politic, Corporate or Collegiate, Ecclesiastical or Civil, and every other Person requesting a Jury to be summoned, shall (before such Warrant shall be issued for that Purpose) enter into a Bond with Two sufficient Sureties, to the Clerk or Treasurer of the said Trustees, in a Penalty of One hundred

Bodies Politic, &c. to enter into Bonds for paying Expences of Jury in certain Cases.

[*Local.*]

T

Pounds,

Pounds, with Condition to pay the Costs and Expences of summoning such Jury, and taking such Verdict, in case the same shall be given for the same, or for no greater or for a less Sum than had been offered by or on the Behalf of the said Trustees before the summoning of such Jury; for the Purchase of or as a Recompence for any Ferry, Lands, Grounds, Tenements, and Hereditaments, or as a Compensation for any Damages, or in case no Verdict shall be found for Damages where the sole Dispute was for Damages as aforesaid.

How Expences of Jury, &c. are to be paid.

XXXVII. And be it further enacted, That in case any Jury to be summoned and sworn, pursuant to the Directions of this Act, shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the absolute Sale of any Ferry, Lands, Grounds, Tenements, or Hereditaments, of or belonging to any Person or Persons, Body Politic, Corporate or Collegiate, Ecclesiastical or Civil, or to any Person or Persons unknown, or as a Compensation for any Damage done to any such Ferry, Lands, Grounds, Tenements and Hereditaments, than had been previously tendered by or on Behalf of the said Trustees, or where any Verdict or Assessment of such Jury shall be found for any Damage, where the Dispute is for Damages only, and where no Compensation or a smaller Sum than shall be given by such Verdict or Assessment had been previously offered or tendered in respect thereof, by or on behalf of the said Trustees, or where by reason of Absence beyond the Seas, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand, who may be legally capacitated to enter into a Contract with, make Conveyances to, and receive Compensation from the said Trustees as herein-before mentioned, then and in all such Cases all the Costs and Expences of impannelling, summoning, returning, and maintaining such Jury and Witnesses, and taking such Verdict, shall be borne and paid by the Treasurer to the said Trustees, out of any Money which shall then be in his Hands, or out of the Monies to be received by virtue of this Act; such Costs and Expences to be settled and ascertained by some Justice of the Peace for the County, Borough, or Place wherein the Matter in question shall have arisen, not interested in the Matter in question, who is hereby authorized and empowered to settle and determine the same, and to make an Order on the Treasurer of the said Trustees for the Payment thereof; but if any Jury so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for the same, or for less Money than shall have been so previously offered as a Recompence and Satisfaction for any such Right, Interest, or Property, or for such Damages where the Dispute is for Damages only, or in case of such Refusal or Neglect to enter into Treaty with, or make Conveyances to, or receive Compensation from the said Trustees, by any Body Politic, Corporate or Collegiate, Ecclesiastical or Civil, or by any Person whomsoever, who is or are by the Provisions of this Act or otherwise legally capacitated to treat and convey or receive such Compensation as aforesaid, then and in all such Cases the Costs and Expences of impannelling, summoning, returning, and maintaining the said Jury, and all other Expences as aforesaid, shall be borne and paid by the Body or Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, or other Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace within whose Jurisdiction such Difference or Cause of Dispute shall

shall arise, not interested in the Matter in question (who is hereby required to examine and settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), 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 Body or Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, or other Person or Persons as aforesaid; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; and in case no Damages shall be given by such Verdict, where the Dispute is for Damages only, such Costs and Expences, being so ascertained and settled as aforesaid, shall and may be recovered by the said Trustees, by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures.

XXXVIII. And be it further enacted, That the said Justices and Juries respectively, in their Awards, Determinations, Adjudications, Judgments, and Verdicts, concerning the Value of Lands, Grounds, Tenements, and Hereditaments, shall separately and distinctly proportion off any particular Estate, Term, or Interest, and also any Damages sustained by any Body Politic, Corporate or Collegiate, Ecclesiastical or Civil, or any other Person or Persons whomsoever, by or in consequence of the Execution of the Powers of this Act, and shall assess and adjudge the Value set upon such Estate, Term, and Interest, and the Money assessed and adjudged for such Damages as aforesaid, distinct and apart from each other.

Value of  
Lands and  
Damages to  
be distin-  
guished.

XXXIX. And be it further enacted, That upon Payment or legal Tender, by or on the Behalf of the said Trustees, of every Sum of Money contracted or agreed for between the Parties or assessed by the Jury as aforesaid, for the Purchase of, or as a Compensation and Recompence for Damages to the Proprietor or Proprietors of such Ferry, Lands, Grounds, Tenements, and Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled to receive the same respectively, or to his, her, or their Agent or Agents, at any Time after the same shall have been actually so agreed for, determined, or assessed, or upon depositing the same in the Bank of *England* in manner by this Act directed, as the Case may be; and after Thirty Days Notice thereof given to such Parties or Persons, or to his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant or Tenants in Possession of such Ferry, Lands, Grounds, Tenements, and Hereditaments, or before such Payment or Tender, or Security given, or Notice sent, by Leave of the Owners, Proprietors, and Occupiers thereof, such Ferry, Lands, Grounds, Tenements, and Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, Right, Benefit, and Interest of any Person or Persons therein or thereto, shall from thenceforth be vested in, and become the sole Property of the said Trustees, for the Purposes of this Act, for ever; and such Payment, Tender, or Deposit shall not only bar and extinguish all Right, Title, Claim, Interest, or Demand of the Person or Persons to whom the same shall or ought to have been made, but shall also bar 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, Remainder, Expectancy, or otherwise,

Lands pur-  
chased vested  
in the Trus-  
tees.

otherwise, of his, her, or their Issue, and of all and every other Person or Persons interested therein.

Sale of Land  
not wanted.

XL. And whereas the said Trustees may by virtue of this Act be seised of or entitled to some Piece or Pieces of Ground beyond what may be necessary for effecting the Purposes of this Act or the said recited Act; be it therefore enacted, That it shall be lawful for the said Trustees, from Time to Time to sell and dispose of the same, together or in Parcels, either by public Sale or private Contract, (as they shall find most advantageous and convenient,) to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees before they shall sell or dispose of any such Piece or Pieces of Land or Ground not wanted for the Purposes of this Act, shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or to the Person or Persons whose Land shall adjoin thereto; and if such Person or Persons respectively shall thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively within Twenty Days next after such Offer, on an Affidavit being made and sworn to before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Borough, or Place where such Lands or Grounds are situate, who are hereby respectively empowered to take such Affidavit, by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused, or not agreed to by the Person or Persons to whom such Offer was made, (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ, or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner by this Act directed with respect to disputed Value of Premises to be taken and used by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as by this Act is directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Piece or Pieces of Ground as aforesaid, shall be applied by the said Trustees to the Purposes of this Act and the said recited Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting Part of the Roads and herein-before directed to be purchased or taken.

Application  
of Compensation  
Money  
exceeding  
200l.

XLI. And be it further enacted, That all Sums of Money agreed or awarded to be paid to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, Feme Covert, Infant, Lunatic, Idiot, Tenant for Life, Dower, in Fee Tail general or special,



special, or for Years determinable on any Life or Lives, or to any Person or Persons under any other Disability or Incapacity whatsoever, for the Purchase of or for the Damages to be done to any Ferry, Lands, Grounds, Tenements, and Hereditaments, by virtue of the Powers in this Act contained, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *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 Ferry, Lands, Grounds, Tenements, and Hereditaments, in the Redemption and Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Ferry, Lands, Grounds, Tenements or Hereditaments, or affecting any other Lands, Grounds, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Grounds, 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 Ferry, Lands, Grounds, 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 meantime and until such Purchase shall be made, the said Money shall, by Order of the said High 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 meantime 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 would for the Time being have been entitled to the Rents and Profits of the said Lands, Grounds, Tenements, and Hereditaments so directed to be purchased, in case such Purchase or Settlement were made.

XLII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Ferry, Lands, Grounds, 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 amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Ferry, Lands, Grounds, Tenements, or Hereditaments so purchased, taken, or used, in respect whereof the same shall be paid, or of his, her, or their Guardian or Guardians, Committee or Committees,

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

[Local.]

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in

in case of Infancy or Lunacy, Trustee or Trustees, Receiver or Receivers, or other Person or Persons acting as such as aforesaid, 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 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 Three or more of the Trustees acting in the Execution of this Act and the said recited 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 and Interest arising therefrom, may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

When less than 20l.

XLIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last 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 Ferry, Lands, Grounds, 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, Trustee or Trustees, or other Person or Persons acting as such, to and for the Use and Benefit of such Person or Persons so entitled respectively.

If Compensation Money be refused, &c. the Money to be paid into the Bank.

XLIV. 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 Ferry, Lands, Grounds, 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 Ferry, Lands, Grounds, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful 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 of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Ferry, Lands, Grounds, Tenements, or Hereditaments [describing them] subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the said 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 of *England* as aforesaid.

XLV. Provided always, and be it further enacted, That where any Question shall arise, touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said High Court of Chancery, in pursuance of this Act, for the Purchase of any Ferry, Lands, Grounds, Tenements, or Hereditaments, or of any Estate, Right, or Interest therein, to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Ferry, Lands, Grounds, 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, Grounds, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High 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 applied and disposed of accordingly, unless it shall be made to 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 Ferry, Lands, Grounds, Tenements, or Hereditaments, or to some Estate or Interest therein.

Persons in Possession presumptively deemed entitled.

XLVI. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Ferry, Lands, Grounds, 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 High Court of Chancery, and to be applied in the Purchase of other Lands, Grounds, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said High 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 such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

Trustees may be ordered to pay Costs.

XLVII. And be it further enacted, That every Tenant at Will, or Lessee for a Year or Years, shall deliver up the Possession of such Premises to the said Trustees, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Three Calendar Months Notice in Writing to quit such Possession, from the Clerk to the said Trustees, or from the Person or Persons so authorized by them to take such Possession; and such Person or Persons in Possession shall, at the

Tenants to deliver up Possession.

4° GEORGIIV. *Cap. ii.*

the End of the said Three Calendar Months, whether such Notice be given with Reference to the Time or Times of any such Tenant's holding or not, or so soon after as he, she, or they shall be required by the said Trustees, peaceably and quietly deliver up the Possession of the said Premises to the said Trustees, or the Person or Persons authorized by them, in Writing under their Hands, to take Possession thereof; and in case any such Person or Persons so in Possession as aforesaid, shall refuse to give such Possession as aforesaid (all reasonable Satisfaction being first made or tendered as aforesaid), it shall be lawful for the said Trustees, and they are hereby authorized and empowered to issue their Precept or Precepts to the Sheriff of the County in which such Premises shall be situate, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby authorized and required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts, on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods, Chattels, and Effects.

Mortgages  
may be paid  
off.

XLVIII. And be it further enacted, That all and every Person and Persons who shall have or claim to have any Mortgage or Mortgages on any such Ferry, Lands, Grounds, Tenements and Hereditaments, whether being in the Possession thereof by virtue of such Mortgage or Mortgages or not, shall, on Tender of the Principal Money and Interest due thereon, or such Proportion of such Principal and Interest as the Quantity of Land, Tenements, and Hereditaments required by the said Trustees for the Purposes of this Act shall bear to the whole Mortgage due thereon, together with the Amount of Three Calendar Months Interest on the said Principal Money, or such Proportion thereof as aforesaid, by the said Trustees, or by such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Trustees, or from their Clerk, that they will pay off and discharge the Principal Money and Interest which shall be due on any such Mortgage, or such Proportion thereof as aforesaid, at the End or Expiration of Three Calendar Months, to be computed from the Day of giving such Notice, then and in such Case, at the End of the said Three Calendar Months, on Payment of the Principal and Interest so due, or such Proportion thereof as aforesaid, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises, or such Proportion thereof as aforesaid, to the said Trustees; and in case such Mortgagee or Mortgagees shall refuse to convey or assign as aforesaid, on such Payment or Tender, then and in such Case all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, or such Proportion thereof as aforesaid, shall amount to more than the real Value of the Premises required to be taken by the said Trustees, to be ascertained as directed by this Act, then and in such Case the said Trustees shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of such Premises so ascertained as aforesaid: Provided also, that in case any such Mortgagee or Mortgagees shall neglect or refuse to convey or assign as aforesaid, then upon Payment of the Principal Money  
and

and Interest due on any such Mortgage as aforesaid, or such Proportion thereof as aforesaid, into the Bank of *England*, at the End of Three Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank of *England* shall give a Receipt or Receipts for the said Money, in like Manner as is herein-before directed in Cases of other Payments into the said Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee or Mortgagees, and of all and every other Person and Persons in Trust for him, her, or them, shall vest in the said Trustees, and they shall be and be deemed to be in the actual Possession of the Premises comprized in such Mortgage or Mortgages, or so much thereof as shall be required by the said Trustees for the Purposes of this Act or the said recited Act, to all Intents and Purposes whatsoever.

XLIX. And be it further enacted, That the said Trustees shall and they are hereby authorized and empowered to erect or cause to be erected one or more Toll Gate or Toll Gates, Turnpike or Turnpikes, in, upon, and across the said intended Bridge; and also one or more Toll Gate or Toll Gates, Turnpike or Turnpikes, in, upon, and across the said intended Roads; and also on the Side or Sides of the said intended Roads, or any of them, where any Highway, Street, Lane, or Bye-way shall or may join or meet the same, or at the End or Opening of any other Highway, Street, Lane, or Bye-way which doth or may open into, upon, or out of the same respectively, or into, upon, or out of any Common or Waste Land adjoining to the said intended Roads, together with such and so many Toll Houses, and proper and necessary Buildings, Conveniences, and Fences near to such Gates or Turnpikes, whether across the said intended Bridge or intended Roads, or on the Sides thereof respectively, as the said Trustees shall think proper, (subject nevertheless to such Restrictions and Directions as are herein-after mentioned concerning the same); and that it shall be lawful for the said Trustees, or any Person or Persons to be by them appointed to receive the same, and they are hereby respectively authorized and empowered to demand and take at every Toll Gate or Turnpike to be erected by virtue of this Act the Tolls following, before any Person, Carriage, Horse, Cattle, or other Beast shall be permitted to pass through the same; (that is to say),

For every Foot Passenger, for each Time he or she shall pass through any such Gate or Turnpike to be erected on, across, or adjoining to the said intended Bridge, a Sum not exceeding One Penny: Tolls.

For every Horse or other Beast of Draught drawing any Coach, Sociable, Berlin, Landau, Chariot, Vis-a-Vis, Chaise, Calash, Chaise Marine, Curricule, Chair, Gig, Whisky, Caravan, Hearse, or other such Carriage, a Sum not exceeding Sixpence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, a Sum not exceeding Sixpence; and where the Fellies of the Wheels thereof shall be of the Breadth of Four Inches and a Half, and less than Six Inches, a Sum not exceeding Seven-pence Halfpenny; and where the Fellies of the

[Local.]

X

Wheels

## 4° GEORGII IV. Cap. ii.

Wheels thereof shall be of the Breadth of less than Four Inches and a Half, a Sum not exceeding Nine-pence :

For every Horse or other Beast, laden or unladen, and not drawing, a Sum not exceeding Two-pence :

For every Drove of Oxen, Cows, or Neat Cattle a Sum not exceeding Ten-pence *per* Score, and so in proportion for any greater or less Number :

For every Drove of Calves, Hogs, Swine, Sheep, or Lambs, a Sum not exceeding Five-pence *per* Score, and so in proportion for any greater or less Number.

Waggons, &c.  
of a peculiar  
Construction  
to pay less  
Toll.

L. Provided always, and be it further enacted, That where any Waggon or Cart shall have the Sole or Bottom of the Wheels thereof rolling on a flat Surface, and the Nails of the Tire of such Wheels shall be counter-sunk, and such Wheels shall be cylindrical, (that is to say), of the same Diameter in the Inside next the Carriage as on the Outside, so that when such Wheels shall be rolling on a flat or level Surface the whole Breadth thereof shall bear equally on such flat or level Surface, and shall have the opposite Ends of the Axletrees of such Waggon, Cart, or other Carriage, so far as the same shall be inserted into the respective Naves of the Wheels thereof, horizontal and in the Continuance of one straight Line without forming any Angle with each other, and in each Pair of Wheels belonging to such Carriage, the lower Parts when resting on the Ground shall be at the same Distance from each other as the upper Parts of such Wheels, it shall be lawful for the said Trustees at any adjourned Meeting, if they shall think fit so to do, to make an Order for every such Waggon and Cart to pass through any Toll Gate or Turnpike to be erected by virtue of this Act, (except any such Toll Gate or Turnpike as shall be erected on, across, or near to the said Bridge), upon paying only so much of the Tolls hereby authorized to be collected, as shall not be less than Two-thirds of the full Tolls payable by virtue of this Act, on the Horse or Horses, or other Cattle or Beasts drawing the same.

Tolls to be  
paid for Stage  
Coaches for  
every Time of  
passing.

LI. Provided also, and be it further enacted, That the Tolls hereby directed to be paid shall be paid for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward every Time of passing or re-passing over or along the said Bridge and Roads.

Breadth of  
Wheels not  
to extend to  
Coaches.

LII. Provided also, and be it further enacted, That nothing herein contained relating to the Breadth of the Wheels of Carriages, or to the Tolls payable thereon, shall extend or be construed to extend to any Coach, Sociable, Berlin, Landau, Chariot, Vis-a-Vis, Chaise, Chaise Marine, Curricule, Chair, Gig, Whisky, Caravan, Hearse, Break, Taxed Cart, Market Cart, or other Cart for the Conveyance of Passengers, or light Goods or Articles.

Power to  
measure  
Wheels.

LIII. And be it further enacted, That it shall be lawful for the said Trustees, and for every Collector, or his Deputy or Deputies, or other Person acting by or under the Authority of the said Trustees, or of their Lessee or Lessees of the Tolls hereby authorized to be demanded

and taken, to measure and examine, or cause to be measured and examined, the Breadth and Construction of the Wheels of any Waggon, Cart, or other such Carriage, passing on the Roads intended to be made and improved by virtue of this Act; such Measurement and Examination to take place if any of the said Trustees, or other authorized Persons making the same, shall so require, previously to any such Waggon, Cart, or other Carriage being allowed to pass through any of the Toll Gates or Turnpikes at which Toll shall be payable by virtue of this Act; and if the Owner or Driver of any such Waggon, Cart, or other such Carriage, shall turn or drive out of the Road in order to avoid or evade the measuring of the Wheels of such Waggon, Cart, or other such Carriage; or if any such Owner, Driver, or other Person shall refuse to allow the Wheels of any such Waggon, Cart, or other such Carriage to be measured and the Construction thereof examined, or shall attempt to pass through any Toll Gate or Turnpike erected under the Powers of this Act before such Admeasurement and Examination shall be made (the same having been required), or shall in any way hinder or obstruct any of the said Trustees or other authorized Person in making such Admeasurement and Examination, every such Owner, Driver, or other Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall not be lawful for any such Waggon, Cart, or other such Carriage not permitted to be measured or examined as aforesaid to pass along any of the Roads hereby authorized to be made and improved; and if any Collector or his Deputy, or any other Person appointed under the Powers of this Act to collect the said Tolls, shall allow the same to pass before such Admeasurement and Examination shall be made, every such Collector, Deputy, or other Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LIV. And be it further enacted, That the said Trustees shall and they are hereby required to put up or cause to be put up and continued at every Toll Gate or Turnpike that shall be erected by virtue of this Act, a Table, painted in distinct and legible Black Letters, on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Tolls payable at every such Gate, distinguishing the several Tolls and the different Sorts of Carriages for which they are to be paid, where there shall be any Variation therein; and also a List of the several Gates which shall be wholly or partially cleared by the Payment of Toll at the Toll Gate where such Table of Tolls shall be affixed; and the said Trustees shall also provide Tickets denoting the Payment of Toll, and on such several Tickets shall be named and specified the Name of the Gate at which the same respectively shall be delivered, and also the Names of the several Gates freed by such Payment, one of which Tickets shall be delivered *gratis* to the Person paying the Toll; and on the Production of such Ticket at any Gate therein mentioned as being cleared as aforesaid by the Payment of the Toll at the Gate where such Ticket was delivered, the Person producing the same shall pass through the Gate or Gates therein mentioned without paying any further or additional Toll.

Table of  
Tolls to be  
set up.

LV. And be it further enacted, That all and every Persons and Person having paid the said Tolls, and producing a Ticket from the Collector denoting such Payment, shall be permitted to pass and repass Once in the

Tolls for  
passing and  
repassing  
once through  
same

the same Toll  
Gate in One  
Day.

same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, through the Toll Gates or Toll Bars mentioned in such Note or Ticket, with the same Horses or other Beasts, Coach, Waggon, Cart, or other Carriage, or Drove of Oxen, or Neat Cattle, Calves, Sheep, Lambs, or Swine, without being subject or liable to any additional Toll for so doing; and no Person shall be permitted to pass a subsequent Time in any one Day (to be computed as aforesaid) with the same Cattle through any of the Toll Gates or Toll Bars aforesaid, until he shall have paid for every such subsequent Time of passing through any of the Toll Gates or Toll Bars on the same Day (to be computed as aforesaid) with the same Horses, Beasts, or Cattle, such Toll, not exceeding the Tolls herein-before mentioned, as the said Trustees shall direct or appoint; and such Person for every such Payment for such subsequent passing shall be permitted to repass through such Toll Gates or Toll Bars with the same Horses, Beasts, or Cattle the same Day (to be computed as aforesaid) without paying any other Toll.

Tolls for  
passing  
through all  
the Toll  
Gates.

LVI. Provided also, and be it further enacted, That no more than Two full Tolls shall be demanded or taken of or from any Person or Persons for or in respect of the same Horse or Horses, or other Beasts or Cattle, or Carriage or Carriages, in any one Day, to be computed as aforesaid, for passing and repassing once through all or any of the said Toll Gates or Toll Bars to be erected under the Powers of this Act.

Two Oxen to  
be considered  
as One Horse.

LVII. And be it further enacted, That in all Carriages wherein Oxen, Bullocks, or other Neat Cattle shall be used, there shall be paid, for each of such Oxen, Bullocks, or other Neat Cattle One Moiety of the Tolls which are hereby imposed upon each Horse so drawing.

Tolls to be  
paid for  
every Time  
of passing  
over the  
Bridge.

LVIII. And be it further enacted, That the Tolls hereby authorized to be demanded and received shall be payable and be paid for and in respect of all Passengers, Horses, Cattle, and Carriages for each and every Time of passing over the said Bridge; any thing in this Act or the said recited Act contained to the contrary thereof in anywise notwithstanding.

Tolls may be  
distrained  
for.

LIX. And be it further enacted, That if any Person subject or liable to the Payment of any of the said Tolls shall, after Demand made thereof, neglect or refuse the Payment thereof, or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized to collect such Tolls, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize and distrain any Horse, Beast, Cattle, Carriage, or other Thing upon or in respect of which any such Toll is imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements (except the Bridle or Reins of any Horse or other Beast, separate from the Horse or other Beast,) or any Carriage, together with its Lading (if any) in respect of the Horse or Cattle drawing the Carriage in which such Toll is imposed, or any of the Goods and Chattels of the Person or Persons neglecting or refusing to pay the same; and if such Tolls or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure, Distress, and keeping the same, shall not be paid within the Space of Four Days next after the making of such Seizure and Distress, the Person or Persons so seizing and distraining  
may



may sell the Horse, Beast, Cattle, Carriage, or Thing so seized and distrained, or a sufficient Part thereof, and out of the Money which shall arise by such Sale pay such Tolls and all reasonable Charges incurred by such Seizure, Distress, and Sale, returning the Overplus of the Money which shall arise by such Sale, and which shall remain unsold (if any) upon Demand, to the Owner or Owners thereof.

LX. And be it further enacted, That if any Dispute shall arise concerning any Tolls due, or the Amount thereof, or the Charges occasioned by any Distress to be taken by virtue of this Act for Nonpayment of any Tolls, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, until the Amount of the Tolls due, and the Charges of making, keeping, and selling such Distress, be ascertained by some Justice of the Peace for the County, Borough, or Place wherein the Toll Gate or Turnpike at which the Toll in Dispute shall be payable shall be situate, who, on Application made to him for that Purpose, shall examine the Matter on Oath (or, being One of the People called *Quakers*, on Affirmation) of the Parties, or of a Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

For settling  
Disputes con-  
cerning Tolls.

LXI. 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 under the Authority of the said Trustees, or under any Lessee or Lessees of the said Tolls, shall not be disqualified or incompetent to give Evidence in any such Dispute, Suit, or Litigation on account of his, her, or their being appointed to collect such Tolls as aforesaid.

Collectors of  
Toll compe-  
tent Evi-  
dence.

LXII. 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 empowered at a Meeting to be held for that Purpose, of which Meeting One Calendar Month's Notice in Writing or Print shall be affixed on all Turnpike Gates or Posts which shall be then erected upon the said Bridge and Roads, and also inserted in One of the public Newspapers usually circulated in the Counties of *Gloucester* and *Worcester*, from Time to Time when and as often as they shall think proper, to lessen and reduce all or any of the Tolls hereby granted or made payable, and to cause the same to be collected in such Manner, Parts, and Proportions, and for and during such Time as they shall think fit; and afterwards at any Meeting to be holden as aforesaid, from Time to Time, as they may see Occasion, to advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the several Rates by this Act granted and made payable: Provided nevertheless, that where the whole Money borrowed on the Credit

Power to  
reduce Tolls.

[Local.]

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of

of the Tolls granted by this Act shall not have been paid off and discharged, no such Tolls shall be lessened or reduced without the Consent of the Person or Persons for the Time being entitled to Five-sixths of the Money remaining due on the Security of such Tolls.

Reduction of  
Tolls to be  
made pro-  
portionably.

LXIII. Provided also, and be it further enacted, That in all Cases where the Trustees shall reduce or advance such Tolls, such Reduction or Advance shall be made as to Waggon, Carts, and other such Carriages, the Breadth of the Wheels whereof is regulated by this Act with Reference to the Proportion or Scale of Tolls payable on such Waggon, Carts, or other such Carriages, according to the Breadth of the Wheels thereof; (that is to say), the said Trustees shall reduce or advance the Toll payable on Waggon, Carts, or other such Carriages having the Fellies of the Wheels thereof of the Breadth of Six Inches, and shall then take and demand Double or other Proportions (as the Case may be) of such reduced or advanced Tolls on Waggon, Carts, or other such Carriages having the Fellies of the Wheels thereof of a greater or less Breadth than Six Inches, and the Reduction or Advance of the Proportion of Toll to be made payable by this Act in respect of the Breadth of Wheels, or any other Reduction or Advance of Tolls to be made in any other Way than in manner aforesaid, shall be null and void to all Intents and Purposes whatsoever.

Composition  
for Tolls.

LXIV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time with all or any of the Inhabitants of the several Parishes, Hamlets, or Places to or through which any Part of the said Roads shall pass or lead, for the passing of all or any Description of their Horses, Cattle, or Carriages through all or any of the Toll Gates to be erected by virtue of this Act (except the Toll Gates to be erected on or across the said Bridge), which Composition shall be paid in Advance; and in default thereof the Composition or Agreement with the Person or Persons making such Default shall thenceforth be void; and all such Composition Money shall be paid and applied in such Manner as the Tolls are hereby directed to be paid and applied: Provided always, that no such Composition shall extend or be construed to extend to any additional Tolls for Overweight directed to be paid or taken for any Waggon, Wain, Cart, or other such Carriage, subject to any additional Toll for such Overweight.

Tolls upon  
Carriages  
affixed to  
others.

LXV. And whereas Coaches, Chariots, Chaises, Waggon, Wains, Carts, and other Carriages sometimes pass through Turnpike Gates affixed, tied, or secured to other Carriages, and Horses are sometimes sent under the Charge of the Drivers of such Carriages, and are fastened thereto; be it therefore further enacted, That for every Coach, Chariot, Chaise, Waggon, or any other Carriage whatsoever, with Four Wheels, passing through any of the Toll Gates or Turnpikes to be erected by virtue of this Act, affixed, tied, or secured to any other Carriage, the same Toll and no more shall be demanded and paid for and in respect of every such Carriage, as if the same had passed through drawn by Two Horses; and for and in respect of any Chair, Cart, or other Carriage whatsoever, with Two Wheels only, passing through any of the said Toll Gates or Turnpikes so affixed, tied, or secured to any other Carriage as aforesaid, the same  
Toll,

Toll, and no more, shall be demanded, taken, and paid as if the same had passed through drawn by One Horse only; and where any Horse or other Beast or Cattle shall be fastened to but not used in drawing any Carriage, such Horse or other Beast or Cattle shall not be liable to a higher Toll than a single Horse: Provided always, that if any such Carriage so affixed, tied, or secured as aforesaid, shall have any Goods or Things conveyed therein, other than the Harness thereto respectively belonging, and such Articles of Package as shall be necessary for the Protection of any such Carriage, the same shall be respectively liable to Double the Toll hereby imposed thereon.

LXVI. And be it further enacted, That no Toll shall be demanded or taken by virtue of this Act, at any of the Toll Gates or Turnpikes to be erected upon the said Bridge or Roads, for any Horses or Carriages of or attending His Majesty or any of the Royal Family, or returning therefrom; or for any Horse or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said intended Bridge, or any present or future Bridge, within any of the Parishes or Places through or in which the said Bridge or the Roads hereby authorized to be erected and made shall be or pass; or for making or repairing the Roads hereby authorized to be made and improved, or any other public Highway or Road within any of such Parishes or Places; or of or from any Surveyor of any Turnpike Road when engaged in executing or proceeding to execute within the Limits of his own or any adjoining Trust, the Powers of this Act or the said recited Act; or (except as to the Toll or Turnpike on the said Bridge) for any Horse, Beast, or Cattle or Carriage employed in carrying or conveying, having been employed only in carrying or conveying on the same Day, any Dung, Soil, Compost, or Manure (except Lime) for improving, or to be used as Manure in Lands lying in any Parish or Place through which the said Roads pass; or any Plough, Harrow, or Implement of Husbandry (unless laden also with some other Thing not hereby exempted from the Payment of Toll); or any Hay, Straw, Fodder for Cattle, and Corn in the Straw, which has arisen or grown on Land or Ground in the Occupation of the Owner of any such Hay, Straw, Fodder, or Corn in the Straw, Potatoes, Turnips, Parsnips, Carrots, or other Agricultural Produce, and which has not been bought, sold, or disposed of, nor is going to be sold or disposed of; or for any Horse or other Beast or Cattle employed in Husbandry going to or returning from Plough or Harrow; or to or from Pasture or Watering Place; or going to be or returning from being shod or farried, such Horses or other Beast not going or returning on those Occasions more than Two Miles on any of the Roads hereby authorized to be made or improved; or of or from any Person going to or returning from his or her proper Parochial Church or Chapel; or of or from any other Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on *Sundays*, or on any Day on which Divine Service is by Authority ordered to be celebrated; or of or from any Inhabitant of any Parish, Township, or Place, going to or returning from attending the Funeral of any Person who shall die and be buried in some or One of the Parishes, Townships, or Places through or into which any of the Roads hereby authorized to be made shall

shall lie; or from any Rector, Vicar, Curate, or officiating Minister going to visit or returning from visiting any sick Parishioner or Inhabitant, or on other his parochial Duty within his Parish; or for any Horse, Beast, Cart, Waggon, or other Carriage employed only in carrying or conveying any Vagrant sent by a legal Pass, or any Person sent by any legal Warrant, or returning empty after having been so employed; or (including the Toll Gate or Turnpike on the said Bridge) for any Horses, Beasts, or Carriages, of whatever Description, 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 or guarding the same; or for the Horse or Horses of any Officer or Soldier on his or their March or on Duty; or for any Horse or other Beast, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officer or Soldier; or employed in carrying or conveying, or returning empty from having been employed only in carrying and conveying any sick, wounded, or disabled Officer or Soldier; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Beast or Cattle drawing the same, employed in conveying any Ordnance or Barrack or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from being so employed; or for any Carriage conveying any Volunteer Infantry; or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on any other public Duty, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements, according to the Regulations appointed for such Corps at the Time of claiming the Exemption; or for any Horse, Beast, or Carriage carrying or conveying any Person to or from and to vote at any Election or Elections of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Gloucester* or *Worcester*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; or for any Horse, Beast, or Carriage which shall only cross any of the said Roads hereby authorized to be made, or shall not pass above One hundred Yards thereon.

Tolls paid for Waggons going empty for Road Materials to be repaid when returning laden.

LXVII. Provided always, and be it further enacted, That for the preventing of Frauds on Toll Collectors by Waggons, Carts or other Carriages passing empty, or laden only with Implements necessary for the more convenient carriage of or for loading or unloading Manure or Materials for the Repair of any Bridge or Turnpike Road or Highway, through the Toll Gates or Turnpikes hereby authorized to be erected, under Pretence of going for such Manure or Materials, the Owner or Driver of any such empty Waggon, Cart or Carriage, claiming such Exemptions, or any of them, shall in all Cases pay the Toll in respect of such Waggon, Cart or other Carriage, before the same shall be permitted to pass through any such Toll Gate or Turnpike; and the Collector of such Toll shall thereupon (except as to the Toll Gate or Turnpike to be erected on or across the said Bridge) deliver to such Owner or Driver a Ticket, to be marked "Manure Exemption," or "Road Materials," (as the Case may be), with the Name of the Gate, and the Date when delivered; and the

The Amount of the Toll so paid shall be repaid to the Owner or Driver of such Waggon, Cart or other Carriage so laden as aforesaid, on returning and producing such Ticket; and every Collector of such Toll (except the Collector of the Tolls at the said Bridge) refusing to give such Ticket on receiving the Toll, or refusing or neglecting to return the same Toll upon the Return of such Waggon, Cart, or other Carriage so laden, and Re-delivery of the "Manure Exemption" or "Road Materials" Ticket, (as the Case may be), shall, for every such Offence, forfeit and pay to the Owner of such Waggon, Cart or other Carriage, a Penalty of not more than Five Pounds upon Conviction thereof, before One or more Justice or Justices of the Peace for the County, Borough or Place where such Offence shall be committed, upon the Oath or Affirmation of One or more credible Witness or Witnesses.

LXVIII. And be it further enacted, That the Owner or Driver of any Waggon, Cart or other Carriage, laden with Manure for Land, or Materials for any Turnpike Road or Highway passing through any Toll Gate or Turnpike, or otherwise passing on or across any of the Roads hereby authorized to be made and improved, shall not be liable to pay any Toll, nor shall any Toll be demanded or taken for such Carriage so laden, or the Horses, Beasts, or Cattle drawing the same, by reason only of any Basket or Baskets, empty Sack or Sacks, or Spade, Shovel or Fork necessary for loading or unloading such Manure or Materials, or any Bottle, Cup, Can, Jug, Basket or Bag, containing only the necessary Provisions of the Workmen or Labourers engaged therewith, being in or upon any such Waggon, Cart or other Carriage, in addition to such Manure or Materials, if the Loading thereof is substantially Manure for Land, or Materials for the Repair of any Turnpike Road or Highway as aforesaid; any thing in this Act or the said recited Act contained to the contrary notwithstanding.

Toll not to be taken on account of empty Baskets, &c.

LXIX. And be it further enacted, That if any Person or Persons shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any Exemption in this Act or in the said recited Act contained, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Penalty on fraudulently taking Benefit of Exemptions.

LXX. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, or Barrack, or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any additional Toll, Penalty, or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart or other Carriage, or the Horse or Horses, or other Beasts drawing the same, while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage; any thing in this Act or the said recited Act contained to the contrary notwithstanding.

King's Stores not subject to Tolls for Overweight.

Post Horses having passed through any Gate may return Toll-free within Eight Hours, though not on the same Day.

LXXI. And be it further enacted, That all Horses travelling for Hire under the Post Horse Duties Acts, having passed through any Toll Gate or Turnpike to be erected on the said Bridge, or on any of the Roads hereby authorized to be made or improved, drawing any Carriage in respect of which any such Toll shall have been paid, on returning through the Toll Gate or Turnpike at which the Toll shall have been paid, and the other Gates (if any) cleared by such Payment, either without such Carriage, or drawing such Carriage, the same being empty and without a Ticket denoting a first Hiring, shall be permitted to pass Toll-free, although such Horses or Carriage shall not have passed through such Toll Gate or Turnpike on the same Day, provided that such Horses so travelling shall return before Nine of the Clock of the Morning succeeding the Day on which they first passed through such Toll Gate or Turnpike at which the Toll shall have been paid.

Horses having passed through a Gate and returning drawing a Carriage, the Toll paid on the Horses to be deducted.

LXXII. And be it further enacted, That where any Horse or Horses shall pass through any of the Toll Gates or Turnpikes erected by virtue of this Act, not drawing any Carriage, and a Toll shall be paid on such Horse or Horses at such Turnpike Gate, and the same Horse or Horses shall return drawing any Carriage on the same Day, or within Eight Hours after the first passing through such Gate, the Toll paid on such Horse or Horses on the original passing shall be deducted from the Toll payable on the same, when drawing the Carriage to which such Horse or Horses shall be attached on the Return, so that no higher Toll shall in the whole be demanded or taken than if such Horse or Horses had in the first place passed through such Gate drawing the said Carriage.

Penalty on evading Tolls.

LXXIII. And be it further enacted, That if any Person shall, with any Horse, Cattle, Beast or Carriage whatsoever, go off or pass from any of the Roads made or improved under the Authority of this Act, through or over any Land or Ground near or adjoining thereto (not being a public Highway, and such Person not being the Owner or Occupier or Servant, or one of the Family of the Owner or Occupier of such Land or Ground) with Intent to or shall thereby evade the Payment of any Toll granted by this Act; or if any Owner or Occupier of any such Land or Ground shall knowingly or willingly permit or suffer any Person or Persons (except as aforesaid) with any Horse, Cattle, Beast or Carriage whatsoever, to go or pass through or over such Land or Ground, with Intent to evade, or whereby he or they shall evade, any such Tolls; or if any Person shall give to or receive from any Person other than the Collector of such Tolls, or shall forge, counterfeit or alter any Note or Ticket by this Act directed to be given by the Collectors of the said Tolls, with Intent to or shall thereby evade the Payment of any such Tolls; or if any Person shall fraudulently or forcibly pass through any such Toll Gate or Turnpike, with any Horse, Cattle, Beast or Carriage whatsoever, by reason whereof the Payment of any such Tolls or Duties shall be evaded or be lessened, or shall at any Time or Times take off or cause to be taken off any Horse or other Beast or Cattle from any Carriage, either before or after having passed through any such Toll Gate or Turnpike, or having passed through any such Toll Gate or Turnpike, shall afterwards add or put on any Horse, Beast, or Cattle to any such Carriage, and draw therewith upon any Part of the Roads made or improved by virtue of this Act, so as to increase the Number of Horses, Beasts, or Cattle drawing such Carriage,

Carriage, after the same shall have passed through any such Toll Gate or Turnpike, whereby the Payment of any of the said Tolls shall be evaded, or shall leave or cause to be left, upon or near to any Part of the said Bridge or Roads, any Carriage, Horse, Cattle or Beast, with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, or with such Intent shall unload any Goods, Articles, or Things from any Carriage, or shall do any other Act whatever in order or with Intent to evade or shall thereby evade the Payment of any of the said Tolls, or any Part thereof, every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

LXXIV. And be it further enacted, That if any Person or Persons whomsoever (not being the Occupier or Servant of any Ferry legally authorized to receive Tolls) shall take on board any Boat, Barge, or other Vessel of any Description or Denomination whatsoever, and shall land or put on Shore from any such Boat, Barge, or other Vessel, on or from the River *Severn*, any Person, Horse, Mule, Ass, Ox, Bull, Cow, Calf, or other Cattle or Beast, or any Hog, Pig, Swine, Sheep, Lamb or other Animal, or any Sort or Description of Carriage, for Hire or Reward, in order or with Intent to evade, or by Means whereof shall be evaded the Payment of any of the Tolls by this Act granted, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Persons not being Owners of Ferries landing Persons or Goods, &c. from the *Severn*.

LXXV. And be it further enacted, That no Toll Gate or Turnpike shall be erected by virtue of this Act on the Side of any of the said Roads hereby authorized to be made or improved, unless the same shall be ordered by the Trustees, at a Meeting, of which Fourteen Days public Notice shall have been given in Writing or Print, affixed on all the Toll Gates or Turnpikes to be erected by virtue of this Act, and also in some public Newspaper circulated in the County where such Gate is intended to be erected, specifying the Place where such Toll Gate or Turnpike is proposed to be erected, and unless Five Trustees at least shall sign the said Order at such Meeting.

Restrictions as to setting up Toll Gates.

LXXVI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully authorized and empowered, from Time to Time, to make, divert, shorten, vary, alter, widen and improve the Course or Path of any of the several Roads hereby authorized to be made or improved, or any Part or Parts thereof, through or over any Common or Waste Ground, or uncultivated Lands, without making Satisfaction for the same; and also through or over any private Lands, Tenements or Hereditaments, tendering and making Satisfaction to the Owners thereof, and Persons interested therein, for the Damages they shall sustain thereby, or to treat, contract, and agree with the Owners, or Persons interested in any private Lands, Tenements, or Hereditaments, lying near or contiguous to the said Roads, for the Sale thereof, or for the Loss or Damage which such Owners or other Person interested therein, or any of them, shall or may in anywise sustain by such making, diverting, widening, varying, or altering such Roads, and to pay out of the Monies hereby

Trustees to improve Roads.

hereby authorized to be raised for the Purposes of this Act, such Sum or Sums of Money as shall be agreed upon between the Owners, Proprietors, Occupiers, or Persons interested as aforesaid, and the said Trustees; and for the Costs attending such Purchase; which Roads, when widened, diverted, varied, or altered by virtue of this Act, shall be and remain Sixty Feet wide; and such Lands and Grounds, when so purchased as aforesaid, shall, by the Order and Direction of the said Trustees, be laid into and made Part of such Roads, in such Manner as the said Trustees shall think convenient, with proper Bridges, Arches, Waterways, Drains, Ditches and Fences for that Purpose, and shall thenceforth be deemed and taken to be a public or common Highway, and Part of the Roads to be repaired by virtue of this Act and the said recited Act: Provided always, that it shall not be lawful for the Trustees, in turning, varying or altering any Part of the said Roads, to deviate over any inclosed Lands or Grounds more than One hundred Yards from the Line or Course of the said Roads, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of such Lands or Grounds, or to take in or make use of any Garden, Yard, Paddock, Park, planted Walk or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the like Consent of the Owner or Proprietor thereof first had and obtained.

Trustees to  
fence Roads.

LXXVII. And be it further enacted, That the said Trustees shall, by and out of the Monies to be raised under the Powers of this Act, within Three Calendar Months after any of the said Roads, or any Part thereof, shall have been made and improved, make or cause to be made and planted proper Quickset Hedges or Fences on both Sides of such Roads, where the same shall be necessary to divide and separate it from the adjoining Lands or Hereditaments, with sufficient Ditches to the same; and also a sufficient Post and Rail, or other Fence, to protect the Growth thereof, and so as effectually to guard and fence off the Lands and Hereditaments adjoining to the said Roads, and also proper and convenient Gates, Stiles, Bridges and Arches, where necessary, out of the said Roads into the Lands adjoining, and shall keep and support such Fences so to be made in good Order and Repair, for and during the Term of Five Years from the Time that such Fences shall have been made or set up, unless the Owners or Proprietors for the Time being of any such Land or Ground shall agree with the Trustees to keep such Fences in Repair from an earlier Period.

Lamps to be  
placed on  
Bridges, &c.

LXXVIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and required from Time to Time to order and direct such and so many Lamps to be placed and erected at each and every of the Toll Houses to be erected by virtue of this Act, or by the Sides thereof, or near thereto, and by the Sides of the said Bridge, as they shall think proper, and also to order and direct at what Times and during what Hours such Lamps, or any of them, shall be kept lighted; and all and every Toll Collector and Collectors, whether appointed by the Trustees, or by any Person or Persons to whom such Tolls may be let, who shall neglect and omit to observe  
and



and fulfil the Orders of the said Trustees, in respect to the keeping such Lamps lighted, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Neglect or Omission.

LXXIX. And be it further enacted, That the Right and Property of and in the Bridge, Turnpikes, Toll Gates, and Toll Houses, Weighing Engines, and other Buildings to be erected by virtue of this Act or the said recited Act, with the Ground, Fences, and Appurtenances thereunto respectively belonging, and of all Gates and Lamps, and the Posts, Irons, and other Furniture thereof, Bars, Toll Boards, Direction Boards, Milestones, Posts, Rails and Fences to be erected and provided in pursuance of this Act and the said recited Act, with the several Conveniences and Appurtenances thereto respectively belonging, and the Materials of which the same shall consist, and all Materials, Tools and Implements which shall be provided for making, building, repairing, constructing and completing the Bridge, Avenues, and Roads by this Act directed to be built, constructed, made, repaired, and improved, or any of them, and the Sweepings of the said Bridge and Roads, and all other Matters and Things provided by virtue of this Act and the said recited Act, shall be and are hereby vested in the said Trustees, and they the said Trustees are hereby authorized and empowered to apply and dispose of the same as they shall think fit, and to bring or cause to be brought any Action, and to prefer and prosecute or order and direct the preferring and prosecuting of any Information or Indictment against any Person who shall dig up, break or pull down, steal, take, carry away, spoil, destroy, injure or damage the said Bridge or Roads, or any Part thereof respectively, or any of the Toll Gates, Turnpikes or Toll Houses, Weighing Engines, Buildings, or Lamps, or any of the Posts, Irons, or other Furniture thereof, Bars, Toll Boards, Direction Boards, Milestones, Posts, Rails and Fences, and Appurtenances thereunto belonging, or any of the Materials, Tools or Implements, Matters or Things as aforesaid; and in all or any of such Actions or Bills of Indictment respectively, it shall be sufficient to state generally, that such Bridge, Roads, Toll Gates, or Turnpikes, Toll Houses, Weighing Engines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Milestones, Posts, Rails, Fences, Materials, Tools or Implements, Matters or Things, is or are the Property of the Trustees for building a Bridge over the River *Severn*, at or near to the *Mythe Hill*, within the Parish and near to the Town of *Tewkesbury* in the County of *Gloucester*, to the opposite Side of the said River, in the Parish of *Bushley* in the County of *Worcester*, and for making convenient Roads to communicate with such Bridge, within the Counties of *Gloucester* and *Worcester*, without particularly mentioning or specifying the Name or Names of any of the said Trustees.

Bridge, Road,  
&c. vested in  
Trustees.

LXXX. And whereas it may happen that the said Bridge, after it shall have been completed, may receive such Damage by unforeseen Accidents that the Passage thereof may for a Time become dangerous or impracticable; be it therefore further enacted, That when and as often as it shall so happen, it shall be lawful for the said Trustees, or such Person or Persons as they shall appoint, and they are respectively hereby authorized, empowered, and required, from Time to Time, as often as Occasion shall require, to provide a proper and convenient Ferry or Ferries across the

Trustees may  
provide tem-  
porary Bridge  
or Ferry in  
case of Acci-  
dents to the  
Bridge.

[*Local.*]

*A a*

said

said River *Severn*, or otherwise to erect and build a temporary Bridge at some Place or Places near to the Site of the said Bridge, and to demand, take, and receive for Passage over the said River *Severn*, by such Ferry or Ferries, or temporary Bridge, such and the like Tolls as are herein authorized to be taken for passing over the said Bridge, which 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: Provided always, that such Ferry or Ferries or temporary Bridge shall continue for such Term and Time only as shall be necessary for repairing or rebuilding the said Bridge, and until the same shall be repaired or rebuilt, and until the Passage over the same shall cease to be dangerous or impracticable as aforesaid, and no longer.

Trustees may  
remove Toll  
Gates.

LXXXI. 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 empowered from Time to Time, when and as often as they shall think proper, to cause any of the Toll Gates or Toll Bars which shall be erected in, upon, or across, or on the Side or Sides of any Part of the said Bridge and Roads, directed to be built, widened, improved, diverted, or kept in Repair by virtue of this Act or the said recited Act, to be removed to and erected in, upon or across, or on the Side or Sides of such other Part or Parts of the said Bridge or Roads, as the said Trustees, or any Five or more of them, shall from Time to Time order and direct; provided that none of the said Toll Gates or Toll Bars shall be removed as aforesaid, unless Notice of the Intention to remove the same shall have been affixed, Twenty-one Days at the least, upon all the Toll Gates then standing upon the said Bridge and Roads; and unless the Restrictions hereinbefore made with respect to the Erection of any Toll Gate or Turnpike on the Side of any of the said Roads shall be fully complied with and fulfilled.

Toll Houses,  
&c. may be  
sold.

LXXXII. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses to be erected by virtue of this Act or the said recited Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act or the said recited Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale, to convey the said Toll Houses, Gardens, and Appurtenances, to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trusts, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Non-application thereof: Provided always, that such Preference of purchasing shall be given to the Person or Persons from whom any Land on which

any such Toll Houses and Buildings may have been erected was purchased, as is herein-before directed to be given where any Piece of Ground or old Road not wanted for the Purposes of this Act, or the said recited Act, is authorized to be sold and disposed of.

LXXXIII. And be it further enacted, That it shall be lawful for the said Trustees to let to farm the Tolls of the several Gates to be erected in pursuance of this Act or the said recited Act, for any Term not exceeding Three Years at any one Time, on giving or causing to be given Notice of the Time and Place for letting the same, at least One Month before the Day to be appointed for that Purpose, by affixing the same upon every Toll Gate or Turnpike erected by virtue of this Act or the said recited Act, and also by Insertion thereof in some public Newspaper circulated in the Counties of *Gloucester* and *Worcester*, and specifying in every such Notice the Sum which the said Tolls produced in the preceding Year, clear of the Salary for collecting the same in case any hired Collector was appointed, and that they will let such Tolls by Auction to the best Bidder, on his producing sufficient Sureties for Payment of the Money monthly or otherwise, (as in such Notice shall be specified,) and that they will be put up at the Sum which they were let for or produced in the preceding Year clear of the Salary of the Collector; and to prevent Fraud or any undue Preference in the letting thereof, the said Trustees are hereby required to provide a Glass, with so much Sand in it as will run from one End to the other in One Minute, which Glass, at the Time of letting such Tolls, shall be set upon a Table, and immediately after every Bidding, the Glass shall be turned, and as soon as the Sand is run out, it shall be turned again, and so for Three Times, unless some other Bidding intervenes; and if no other Person shall have bid until the Sand shall have run through the Glass Three Times, the last Bidder shall be the Farmer or Renter of the said Tolls so put up, and shall forthwith enter into a proper Agreement, with Two sufficient Sureties, for the taking thereof and paying the Money at such Times and under such Covenants as the said Trustees shall think fit; and if the Person so being the last Bidder shall not forthwith enter into such Agreement, it shall be lawful for the said Trustees to put up, or cause to be put up, the said Tolls again immediately, and in like Manner to continue putting up the same until a Bidder shall be found who shall, with such Sureties, enter into such Agreement; and in case no Bidder shall offer, or the said Tolls shall not be let at such Auction, it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm all or any of such Tolls at any Sum not less than the Sum at or for which they shall have been last let; or the said Trustees may appoint a Collector or Collectors of such Tolls, or fix some future Day for the letting thereof, as they shall judge most proper, upon giving such Notice thereof as aforesaid, and may in that Case put them up at such Sum as they shall think fit: Provided always, that at all such Lettings the said Trustees may, if they think fit, appoint some Person to bid once for the same for them, to the Intent that such Tolls may not be let for less than an adequate Value.

Power to  
lease Tolls.

Trustees to  
have a Bid-  
ding at the  
letting of  
Tolls.

LXXXIV. And be it further enacted, That in case all or any of the said Tolls shall be demised or let to farm, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case

Recovery of  
Toll Houses,  
&c. from  
Lessees.

the

the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in arrear, by the Space of Three Days next after any of the Days on which the same ought to be paid pursuant to the said Agreement for letting to farm thereof; or in case the said Toll House or Toll Houses shall be in the Possession of any Collector or Collectors who shall be removed or discharged from his, her, or their Office of Collector, or shall depart this Life, then, and in either of such Cases, it shall be lawful for any Justice of the Peace for the County, Borough, Town, or Place in which any such Toll House may be situated, by Warrant under his Hand and Seal, to order a Constable, or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any Toll House or Toll Houses, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Farmer of the Tolls arising thereat respectively, or such Collector or other Person having Possession of the said Toll House or Toll Houses, together with their respective Goods, Chattels and Effects, from the Possession thereof, and from the Collection of the Tolls; and thereupon it shall be lawful for the said Trustees (if they shall think fit) to vacate and determine the Contract or Agreement (if any) for demising or letting the said Tolls or Toll Houses to such Lessee or Farmer; and the same shall be from that Time utterly void, to all Intents and Purposes, (save as to the Covenants or Agreements for Payment up to that Time of the Rent or Rents thereby reserved, or other Covenants and Agreements on the Lessee's Part which shall have been broken), as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected as if no former Demise, Contract, or Agreement had been made relative thereto, any Rule of Law or Right to the contrary notwithstanding.

No Composition for Overweight.

LXXXV. And be it further enacted, That it shall not be lawful for the said Trustees, their Lessee, Collector or other Officer, or any Person acting under any of them, to compound for or agree to permit or suffer any overweighted Waggon, Wain, Cart or other Carriage, subject to a Forfeiture or Penalty by reason of the Weight thereof, to pass or repass through any of the Toll Gates to be erected by virtue of this Act or the said recited Act, without demanding and taking the full Fine or Penalty by this Act or the said recited Act inflicted upon such overweighted Waggon, Wain, Cart or other Carriage; but every Contract and Agreement for such Composition for Overweight shall be void to all Intents and Purposes whatsoever; and every Lessee, Collector, or other Officer, entering into or agreeing to any such Composition, and every Person with whom any such Composition or Agreement shall be made or entered into, shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons suing for the same.

Toll Collectors to put up their Names.

LXXXVI. And be it further enacted, That every Toll Collector, being Lessee of the said Tolls, or appointed either by the said Trustees or by any such Lessee or Lessees to collect the Tolls payable at any Turnpike or Gate to be erected by virtue of this Act or the said recited Act, shall, and he or she is hereby required to place his or her Christian and Surname, painted on a Board in legible Characters, in some conspicuous Part of the Front of the Toll House, immediately on his or her beginning to collect

collect such Toll or coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length and of a Breadth in Proportion, and painted in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he or she shall collect such Toll, or be upon such Duty; and every such Collector shall also place or cause to be placed on the Front of every Toll House at which such Collector shall be placed, the Board herein-before directed to be provided by the said Trustees, containing the usual Name of the Turnpike Gate where the Board shall be affixed, and also a List of the Tolls payable at such Gate, and of the several Gates cleared by Payment of Toll at the Gate where such Collector shall be stationed as aforesaid; and if any Collector of the said Tolls shall not place such Boards respectively as aforesaid, and keep the same there during the Time he or she shall be such Collector as aforesaid, or shall demand or take a greater or less Toll from any Person than he or she shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or of the said recited Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and who shall claim such Exemption, or shall refuse to permit or suffer any Person to read, or shall anywise hinder any Person from reading the Inscriptions on such Boards respectively, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on his being paid the said Tolls, or shall, in answer to such Demand, give a false Name or Names, or shall refuse or neglect to give to any Person paying the Toll a Ticket denoting the Payment of the Toll, and naming the Toll Gate at which such Ticket is delivered, and the several Toll Gates (if any) freed by such Payment, or upon the legal Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger from passing through any Turnpike or Toll Gate, or shall make use of abusive or scurrilous Language to any Trustee, Traveller or Passenger; then and in every such Case, every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

LXXXVII. And 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, upon the Credit and Security of the Tolls to arise by virtue of this Act, in such Manner as they shall think proper, such Sum or Sums of Money as they shall think fit; and for securing the Repayment of such Sum and Sums with Interest, they the said Trustees are hereby empowered from Time to Time, by any Writing or Writings under their Hands and Seals, to demise or mortgage the said Tolls, or any Part or Parts thereof, and all the Toll Gates, Toll Bars, and Toll Houses for collecting the same, during the Continuance of this Act (the Charge of such Mortgages to be paid out of such Tolls) as a Security or Securities to any Person or Persons, or their Trustees, who shall at any Time advance any Money for the Purposes of this Act or the said recited Act, their respective Executors, Administrators, and Assigns, for the Money so to be advanced, with Interest for the same; which Mortgages shall be in the Words or to the Effect following; (that is to say),

Power to  
borrow  
Money.

[*Local.*]

*B b*

By

Form of  
Mortgage.

' BY virtue of an Act passed in the Fourth Year of the Reign of His  
 ' Majesty King George the Fourth, intituled [*here set forth the Title*  
 ' *of this Act*], We, whose Hands and Seals are hereunto subscribed and  
 ' set, being Three of the Trustees for putting the said Act in Execution,  
 ' in consideration of the Sum of  
 ' Sterling, advanced and paid by *A. B.* of \_\_\_\_\_ to  
 ' the Treasurer to the said Trustees, do hereby grant and assign unto the  
 ' said *A. B.* his [*or her*] Executors, Administrators, and Assigns, for  
 ' and during the Continuance of the said Act, such Proportion of the  
 ' Tolls arising or to arise upon the said Bridge, Turnpike Roads, and the  
 ' Toll Gates, Toll Bars, and Toll Houses erected or to be erected for  
 ' collecting the same, as the said Sum of  
 ' doth or shall bear to the whole Sum now or hereafter to become due  
 ' and owing on the Security thereof; to have, hold, receive, and take  
 ' the said Proportion of the said Tolls, Toll Gates, Toll Houses, and  
 ' Premises, with the Appurtenances, unto the said *A. B.* his [*or her*]  
 ' Executors, Administrators, and Assigns, from the Day of the Date  
 ' hereof, for and during the Continuance of the said Act, unless the said  
 ' Sum of \_\_\_\_\_ with Interest after the Rate  
 ' of \_\_\_\_\_ Pounds *per Centum per Annum*, shall be sooner repaid and  
 ' satisfied. Given under our Hands and Seals, this  
 ' Day of \_\_\_\_\_ in the Year of our Lord

And Copies of all such Mortgages shall be entered in a Book or Books,  
 to be kept for that Purpose by the Clerk to the said Trustees, for which  
 Entry such Clerk shall be paid the Sum of Seven Shillings, and no more,  
 out of the Tolls payable on such Bridge and Roads; and such Book and  
 Books may at all seasonable Times be perused and inspected by any of  
 the said Trustees, or any Creditor of the said Trust, without Fee or  
 Reward; but no more shall be borrowed on the Security of the Tolls  
 than the Sum which shall be fixed upon by the said Trustees at the  
 First or Second Meeting, to be held in pursuance of this Act, unless  
 Notice for that Purpose be affixed in Writing upon all the Toll Gates  
 erected by virtue of this Act and the said recited Act, at least Twenty-  
 one Days before the Meeting for borrowing thereof, nor unless a Majority  
 in value of the then Creditors shall consent thereto; and it shall be lawful  
 for all Persons respectively, to whom any Mortgage shall be made as afore-  
 said, or who shall be from Time to Time entitled to the Money thereby  
 secured, to assign or transfer his, her, or their Right, Title, and Interest in  
 and to such Mortgage, and the Principal Money and Interest thereby secured,  
 to any other Person or Persons whomsoever; which Assignment or Trans-  
 fer may be made in the following Words, or in Words to the like Effect,  
 and be indorsed on such Mortgage or Security, or be underwritten or  
 thereunto annexed, and signed in the Presence of and attested by One  
 credible Witness or more; that is to say,

Form of  
Assignment.

' [ *A. B.* [*or, I, C. D.* Assignee, Executor, or Administrator of the  
 ' within-named *A. B.* as the Case may happen], do hereby assign and  
 ' transfer this Mortgage Security, with all my Right and Title to the  
 ' Principal Monies thereby secured, and all Interest now due and here-  
 ' after to grow due upon the same, unto *E. F.* of  
 ' his [*or her*] Executors, Administrators, and Assigns. Dated this  
 ' Day of \_\_\_\_\_ in the Year of our Lord  
 ' Witness to the signing hereof.'

Which Transfer shall be produced and notified to the Clerk of the said Trustees within Two Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books, for which Entry the said Clerk shall be paid by the Person or Persons making such Transfer, the Sum of Seven Shillings, and no more; and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of such Mortgage Security; and every such Assignee may in like Manner assign or transfer the same, and so *toties quoties*, and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators), to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any such Mortgage or Transfer shall be made as aforesaid, shall, in proportion to the Sum of Money thereby secured, be Creditors on the Tolls by this Act granted, and on the said Toll Gates, Toll Bars and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of Priority of advancing their Monies, or of the Dates of their respective Securities or otherwise, except as herein-after mentioned; provided that nothing herein contained shall extend, or be construed to extend, to charge or subject the said Trustees, or any other Person appointed to receive the said Money, or any Part thereof, to any Payment of the same, by reason of their or any of their signing or sealing any such Mortgages, Assignments, or other Securities to be made in pursuance of this Act.

LXXXVIII. And be it further enacted, That all, each, and every Persons and Person, who have, or who shall hereafter subscribe their, his or her Names or Name to a certain Instrument bearing Date the Twenty-third Day of *October* One thousand eight hundred and twenty-two, purporting to be an Agreement by certain Persons to advance and pay the Sum set opposite to their respective Names, shall be, and is and are hereby made liable to pay, and shall pay, the Sums so by them thereby set opposite to their respective Names; and in default of Payment thereof within Twenty-one Days after the same shall be demanded by the said Treasurer for the Time being of the said Trustees, it shall be lawful for the said Trustees, or their Treasurer, to sue for and recover 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, nor more than One Imparlance shall be allowed; and such Instrument, although not having the proper or any Stamp affixed thereto, together with this Act, shall and may be received in and admitted as Evidence in all or any of the said Courts, upon the Trial of any such Bill, Complaint, Suit, or Information; any Statute or Law to the contrary thereof notwithstanding.

Compelling  
Payment of  
Subscrip-  
tions.

LXXXIX. Provided always, and be it further enacted, That in case the said Trustees shall at any Time or Times be desirous of paying off any Portion of the Principal Monies due and owing upon the Credit of the said Tolls, it shall be lawful for the said Trustees, at any Meeting to be holden as aforesaid, (Notice of such intended Meeting, and of the Purposes thereof, being first given at least Fourteen Days preceding the same by Advertisement in some Newspaper usually circulated within the said

For paying  
off Securities.

said Counties of *Gloucester* and *Worcester*), if they shall think fit, instead of paying the same rateably among all the Creditors, to determine by Lot to which of such Creditors the Whole, or any Portion thereof, shall be so paid, and to pay the same to such Creditor or Creditors only, or to any of the Creditors; with the Consent of all the other Creditors; any thing herein contained to the contrary thereof notwithstanding.

Application  
of Tolls and  
Money to be  
borrowed.

XC. And be it further enacted, That out of the first Monies which shall be received or borrowed under the Powers of this Act, or which shall arise or be produced by virtue of this Act or the said recited Act, the said Trustees shall, and they are hereby required, in the first Place to pay and discharge the Costs, Charges and Expences incident to and attending the applying for, obtaining and passing of this Act, and in repaying all and every Sum and Sums of Money which shall have been advanced by any Person or Persons whomsoever, together with Interest for the same respectively, after the Rate of Five Pounds *per Centum per Annum*, from the Time such Expences were incurred, and Sums advanced, up to the Time of Payment; and also all Costs, Charges, and Expences incident to and in making the Surveys, Plans, Sections, Elevation and Estimate of the said Bridge, Roads, and Avenues; and after full Payment thereof respectively, all the Money which shall arise or come into the Hands, Custody, or Power of the said Trustees, or their Treasurer, by virtue or for the Purposes of this Act or the said recited Act, shall from Time to Time be applied in building the said intended Bridge, and keeping the same in Repair, and in forming, constructing, improving, and completing the Roads, Avenues, and Approaches by this Act directed to be made and improved, and in erecting and providing Toll Gates or Turnpikes, Toll Houses, and other Buildings, and in defraying all the necessary Charges and Expences attending the Execution of this Act and the said recited Act, and in paying the Interest of, and also the Principal Sums of Money to be advanced or borrowed and secured on the Credit of the said Tolls, such last-mentioned Payment to be made, either rateably or by Lot, as the said Trustees shall think proper, and in otherwise carrying this Act and the said recited Act into Execution, and to or for no other Use or Purpose whatsoever.

Power to get  
Materials.

XCI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to be appointed by the said Trustees, and for all such Persons as he or they shall appoint, to search for, dig, gather, take and carry away any Stones, Sand, Gravel, or other Materials for making or repairing the said Bridge and Roads, out of any Waste or common Ground, common River or Brook (not being within the Distance of Fifty Yards of any Bridge, Dam, Weir or Jetty), in any Parish, Township, Hamlet, or Place adjoining the said Bridge and Roads, or in any adjoining Parish, Township, Hamlet or Place, without paying any thing for the same, and without being deemed a Trespasser or Trespassers, they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks wherefrom such Materials shall be taken, and railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Person or Cattle, and paying or tendering for the Damage done by going through or over any inclosed Lands or Grounds for or with such Materials, such Damages to be ascertained as herein-after mentioned; and also that it shall



shall be lawful for the said Surveyor or Surveyors, or other Persons as aforesaid, to search for, dig, get, gather and take away any such Materials in or out of the Lands, Fields, or Grounds of any Person or Persons, where the same may be had or found, in any Parish, Township, Hamlet or Place, in which any Part of such Bridge or Roads shall lie or be situate, or in any adjoining Parish, Township, Hamlet or Place (not being a Garden, Yard, Park, Paddock, planted Walk or Avenue to any House, or Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for such Materials, and for the Damage done to the Owners and Occupiers of Lands or Grounds where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall adjudge reasonable; and also to land on and carry through or over any inclosed Lands or Grounds (not being a Garden, Yard, Paddock, planted Walk or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), or on, through, or over any open Land or Common, any Stone or other Materials for building, making, or repairing the said Bridge and Roads, or either of them, or any Toll House on or by the Sides thereof, from any River, Stream or Canal, in any Parish, Township, Hamlet or Place in which any such Bridge or Roads shall lie, or in any adjoining Parish, Township, Hamlet or Place, paying or tendering for the Damage done in landing on or going through or over any inclosed Lands or Grounds for or with such Materials, such Sum or Sums of Money as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyors, or other Person appointed or employed as aforesaid, and the Owners and Occupiers of such Lands or Grounds, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County, Borough or Place, wherein the Place from whence such Materials shall have been taken shall be situate, on Ten Days Notice thereof being given, in Writing, by either Party to the other, shall hear, settle and determine the Matter of such Payments and Damages, and the Costs attending the hearing and determining the same.

XCVII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, to dig, gather, take or carry away any Materials for making or repairing such Bridge or Roads, or for other such Purpose or Purposes aforesaid, out of or from any inclosed Land or Ground, without the Consent in Writing of the Owner and Occupier thereof, first had and obtained for that Purpose, or for want of such Consent, until Ten Days previous Notice in Writing, signed by the Surveyor of the said Bridge and Roads, shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his, her, or their known Agent, or to the Occupier or Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last usual Place of Abode of such Owner or Occupier, to appear at a Time and Place therein to be named, before any Two or more Justices of the Peace, to be named in such Notice, acting in and for the County, Borough, or Place where the Lands or Grounds from whence such Materials are intended to be taken shall be situate, to shew Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not shew sufficient

Notice to be given before Materials taken from private Lands.

[Local.]

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cient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, gather, take, get and carry away such Materials, in such Manner, and at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or by his or her Agent, such Justices shall and may (upon Proof on Oath, or being of the People called *Quakers*, upon Affirmation, of the Service of such Notice) make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent had attended.

Penalty on taking away Materials.

XCIII. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been gotten, dug or gathered for the Purposes of this Act or the said recited Act; or if any Person or Persons shall get or take away any Materials out of any Pit or Quarry which have been made, dug or opened, for the Purpose of getting Materials for the said Bridge or Roads, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Six Weeks, (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale); every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Repositories for Materials.

XCIV. And be it further enacted, That the said Trustees may and they are hereby empowered to purchase or rent any Piece or Pieces of Land or Ground, not exceeding in any one Place Six Yards square, on the Sides of or near to the said Bridge and Roads, as Repositories for Stone, Gravel, or other Materials for making or repairing the same; and in case any Difference shall arise between such Trustees and the Owner of such Land or Ground, with respect to the Value thereof, or the Necessity or Propriety of taking such Land or Ground, the same shall be settled and determined by any Two or more of His Majesty's Justices of the Peace acting in and for the County, Borough, or Place where any such Land or Ground shall be situate, in manner herein-before directed with respect to getting Materials for the Repair of such Bridge or Roads.

Preventing Annoyances.

XCV. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time, to remove and prevent all Nuisances and Annoyances on any and every Part of the said Bridge and Roads, by Timber, Stones, Carriages, Saw Pits or other Pits, Ashes, Dung, Filth, Rubbish, or any other Matter or Thing whatsoever, being laid, placed, or thrown upon any Part of the said Bridge or Roads, or upon any open Common or Waste Land, within Eighty Feet of the Centre of the said Roads, and to dispose of the same for the Benefit of the said Bridge and Roads, in case the Owner thereof shall neglect to remove the same within Twelve Hours after Notice in Writing or Print, signed by any Two of the said Trustees, or the Surveyor of the said Bridge and Roads, given to such Owner for that Purpose; or in case the Owner is not known, then after a like Notice affixed for Three Days on the nearest Turnpike or Toll Gate; and to turn any Watercourses, Sinks or Drains, running into, along,

along, or out of the said Bridge or Roads, to the Prejudice thereof, and to open, scour, cleanse, deepen and enlarge, or to fill up and level any Gutter, Ditch, Conduit or Watercourse adjoining or near to the said Bridge or Roads, or any Part or Parts thereof, as shall be deemed most advisable for the Benefit of the said Bridge and Roads, and the Safety thereof, in case the Owner or Occupier of the adjoining Lands shall neglect so to do after Seven Days Notice in Writing given for that Purpose; and the Charges thereof, and of removing any such Nuisance or Annoyance as aforesaid, to be settled by any One Justice of the Peace or more, of the County, Borough, or Place where such Part of the said Bridge or Roads shall lie, shall be reimbursed to the said Surveyor by such Owner or Occupier respectively, and the same shall be recovered in such Manner as the Penalties and Forfeitures are herein-after directed to be recovered; and if, after the Removal of any of the said Nuisances or Annoyances, any Person shall again offend in the like Manner, such Person shall for every such Second and subsequent Offence forfeit and pay any Sum not exceeding Five Pounds.

XCVI. And be it further enacted, That it shall be lawful for the said Trustees, and their Surveyors, and such other Person and Persons as shall be appointed by the said Trustees, to make and keep in Repair, or cause to be made and kept in Repair, any Footpath or Causeway for the Use of Foot Passengers, in, upon, or on the Sides of the said Bridge and Roads, in such Manner as they shall think proper; and also to make, or cause to be made, a Road through the Grounds adjoining to any ruinous or narrow Part of the said Roads (not being the Site or Ground whereon any House shall stand, nor being a Yard, Garden, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle and Carriages, as a public Highway, whilst the old Road is repairing, diverting, or widening, and until such Time as it shall be convenient for Passengers and Carriages to pass along the same; making such Recompence to the Owner and Occupier of such private Grounds respectively, for the Damage they shall thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning such Damage between such Owner or Occupier and the said Trustees, it shall be lawful for any Two or more Justices of the Peace, acting in and for the County, Borough, or Place where such Ground shall be situate, on Fourteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and finally determine what Recompence shall be made to such Owner or Occupier respectively, for the Damages they shall have sustained as aforesaid.

Repairing  
Footpaths.

XCVII. And be it further enacted, That the said Trustees shall from Time to Time cause the said Bridge and Roads to be measured, and Stones or Posts to be placed in or near the Sides of the said Bridge and Roads, at the Distance of One Mile from each other, denoting the Distance from any Town or Place; and also shall cause to be erected Direction Posts upon such Parts of the said Roads where the same are crossed or joined by other Roads, and Guide Posts, as they shall think proper, with Inscriptions thereon denoting to what Place or Places the said Roads respectively lead; and also to cause to be painted in legible Characters, on some Wall or Board, at the Entrance of any Town or Village, the

Mile Stones  
to be set up.

Name

Name of such Town or Village; and if any Person or Persons shall wilfully break, cut down, knock down, pull up or damage any such Post, Stone, or Board, or shall obliterate, deface, spoil, or destroy any of the Letters, Figures, or Marks inscribed thereon, or on any such Wall or Board, and be thereof convicted before any Justice of the Peace for the County, Borough or Place where such Offence shall be committed, by the Confession of the Party, or by the Oath, (or being of the People called *Quakers* by the Affirmation) of One credible Witness or more, every Person so offending shall for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on  
Persons  
committing  
Nuisances.

XCVIII. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway by the Side of or adjoining to the said Bridge or Roads, made or set apart for the Accommodation of Foot Passengers, or shall lead or drive any Horse, Beast or Swine, or any Carriage of any Description, or any Wheelbarrow, Truck or Sledge, or any single Wheel, or any Waggon, Cart or Carriage, apart therefrom, upon any such Footpath or Causeway, so as to cause any Injury or Damage to be done to the same, or the Balustrades, Hedges, Posts, Rails, or Fences thereof; or shall wilfully pull down or damage any Bridge, Arch, Wall, or any other Building or Erection made by the said Trustees; or shall haul or cause to be hauled or drawn upon any Part of the said Bridge or Roads, any Timber, Stone or other Thing (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone or other Thing which shall be carried principally or in part upon wheel Carriages, to drag or trail upon the said Bridge or Roads to the Prejudice thereof; or shall use any Tipstick, Joggle, or other Instrument for the Purpose of retarding the Descent of any Waggon, Coach or other Carriage down any Hill, in such manner as to injure, destroy, or disturb the Surface of the said Bridge or Roads; or shall in or upon the said Bridge or Roads, or by the Side thereof, or in any exposed Situation near thereto, kill, slaughter, scald, burn, dress or cut up, castrate or slay any Beast, Swine, Calf, Lamb, Horse, Bull, Cow or other Cattle; or if any Person driving any Horse or other Beast on the said Bridge or Roads, carrying any Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing which shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along such Bridge or Roads; or if any Hawker or Higler, Gipsy, or other Person or Persons travelling with any Machine, Vehicle, Cart or other Carriage, with or without any Horse, Mule or other Beast, shall pitch any Tent, Booth, Stall or Stand, or encamp in, upon, or by the Sides of any Part of the said Bridge or Roads; or if any Blacksmith or other Person occupying a Blacksmith's Shop, situate near the said Bridge or Roads, and having any Window, Light, or Door fronting the said Bridge or Roads, shall not every Evening after it becomes Twilight, shut, bar and prevent the Light from such Shop shining into or upon the said Bridge or Roads; or if any Person driving any Carriage upon the said Bridge or Roads, shall ride on the Shafts or other Part of the said Carriage without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her Left or Near Side of the said Bridge or Roads, and also keep on the same Side himself or herself; or if any Person shall in any other manner wilfully prevent any other Person from passing him or her,

her, or any Carriage under his or her Care upon the said Bridge or Roads; or if any Person shall make, or assist in making any Fire or Fires, or shall set fire to, let off, or throw, or discharge any Squib, Rocket, Serpent or other Firework, Gun, Pistol, or other Fire Arm whatsoever upon the said Bridge, or within Eighty Feet of the Centre of the said Roads; or bait or run for the Purpose of baiting any Bull, or play at Football, Tennis, Fives, Cricket, or any other Game or Games on any Part of the said Bridge or Roads, or in any exposed Situation near thereto, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, Cart or other Carriage upon or on the Side of the said Bridge, or within Thirty Feet of the Centre of the said Roads, longer than may be necessary to load and unload the same, except in Cases of Accident, and then for a longer Time than shall be necessary to remove the same, or shall not place such Waggon, Wain, Cart or other Carriage, during the Time of loading or unloading the same, or of taking Refreshment, as near to One Side of the said Bridge or Roads as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Timber, Stones, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever, upon the said Bridge or Roads, or on the Side or Sides thereof, or the Footways adjoining thereto; or shall plough, or dig or break up any of the Soil on the said Bridge or any Part of the said Roads, or on the Side or Sides thereof, or the Footpaths or Causeways adjoining thereto, between the said Roads and the Fences erected or to be erected on the Sides thereof; or shall plough, dig, or break up any of the Soil between any Parts of the said Roads and such Fences as aforesaid, for the Purpose of making Compost or Manure, or otherwise; or shall scrape off any Soil or other Thing from the said Bridge, or from the said Roads, or the Sides thereof; or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost or Manure, from the Sides thereof, except such as may be lying in his or her own Ground, and be carried away without being brought over any Part of the said Bridge or Roads, or that the same may be done at such Times and under such Regulations as the Trustees or their Surveyor shall direct and order; or shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever, to run or flow into or upon the said Bridge or Roads, or Footpaths, from any House, Building, Erection, Lands or Premises adjacent thereto; or if any Person driving any Pigs or Swine upon such Roads, shall suffer them to root up or damage such Roads, or any Part thereof, or the Fences, Hedges, Banks or Copse, on either Side thereof respectively; or if any Person shall, after having blocked or stopped the Wheel of any Cart, Waggon or other Carriage, in going up or down any Hill or rising or falling Ground, suffer to be or remain on such Bridge or Roads, the Stone, Block, or other Thing with which such Wheel was blocked or stopped; or if any Person shall pull down, damage, injure or destroy any Lamp, Lamp Post, or Iron, put up, erected, or placed on or near to the said Bridge or Roads, or on the Sides thereof, or in or on any of the Toll Houses or Toll Gates thereon, or shall extinguish the Light of any such Lamp; every Person offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Damages occasioned thereby.

Maliciously  
destroying  
Toll Gates,  
&c.

XCIX. And be it further enacted, That if any Person shall wilfully or maliciously pull down, pluck up, throw down, level, or otherwise destroy or damage any Turnpike Gate, Chain, Rail, Post, or Bar, or other Fence belonging to the said Bridge or Roads, and set up or erected to prevent Passengers passing without paying Toll, or any House to be erected for the Use of such Bridge or Roads, or any Weighing Engine; or shall forcibly rescue any Person being lawfully in Custody of any Officer or other Person for any of the Offences before mentioned; then, and in any of the said Cases, every Person so offending, and being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall be transported to One of His Majesty's Plantations abroad for Seven Years, or in Mitigation thereof, shall suffer such Punishment as the Court may direct, as in Cases of Petit Larceny.

Gates to  
open in-  
wards.

C. And be it further enacted, That no Door or Gate of any Building, Park, Paddock, Field, Ground or Inclosure whatsoever, shall be made to open into or towards any Part of the said Roads, or of any Footpath or Causeway belonging thereto, or be suffered to continue so to open, except the hanging Post thereof shall be fixed or placed so far from the Centre of any Part of the said Roads, as that no Part of such Door or Gate shall, when open, project over any Part of such Roads, or any Footpaths or Causeways belonging thereto; and every Occupier of any Building, Park, Paddock, Field, Ground or Inclosure, having any Door or Gate opening outwards, contrary to the Meaning of this Act, shall, within Fourteen Days after Notice to him, her or them given, either personally or in writing from the Surveyor of the said Roads, cause every such Door or Gate to be hung, so that no Part of the same when open shall project over any Part of the said Roads, or any Footpath or Causeway belonging thereto; and in default thereof, the Surveyor of the said Roads is hereby authorized to cause every such Door or Gate to be hung according to the Intention of this Act; and every Person guilty of such Neglect or Default shall, upon Complaint made to any Justice of the Peace acting in and for the County, Borough, or Place where such Neglect shall appear, and upon Conviction upon the Oath, (or being a Quaker upon Affirmation) of One credible Witness or more, pay to such Surveyor such Sum as the said Justice shall direct, to defray the Expences of making the Alteration, and hanging every such Door or Gate; and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

Penalty on  
damaging  
Bridge.

CI. And be it further enacted, That if any Person shall wilfully deface, injure or damage the said Bridge, or the Abutments, Piers, or Arches thereof, or any Part thereof, or any Work that shall be constructed thereon or be appurtenant thereto; or if any Person or Persons shall by or with any Line, upon or over the said Bridge, 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 Balustrades, Cornice, or any other Part of the said Bridge, for the Purpose of mooring or staying any Trow, Barge, Boat, or other Vessel (except to such Rings or other Fastenings as shall be affixed to the said Bridge by the Direction of the said Trustees for that Purpose), or shall moor, stay or fasten, or cause to be moored, stayed or fastened, any Trow, Barge, Boat, or other Vessel, within the

the Distance of Fifty Yards of the said Bridge, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

CII. And be it further enacted, That the Owner, Master, Captain, or other Person having the Command of every Trow, Barge, Boat, or other Vessel, lying or being in the said River *Severn*, shall be and is hereby made answerable to the said Trustees for the Amount or Value of any Damage or Injury that shall be done by such Trow, Barge or Boat or other Vessel, through the wilful, negligent, or unskilful Conduct of any Person belonging to or having the Care or Management of the same, to the said Bridge, or any of the Works belonging thereto; and the said Owner, Master, Captain, or other Person having the Command as aforesaid, shall for every such Damage, upon Conviction before any Justice of the Peace for the Counties of *Gloucester* or *Worcester*, or for the Borough of *Tewkesbury* aforesaid, either by Confession of the Party or Parties offending, or upon the Oath (or being one of the People called *Quakers* on Affirmation) of One credible Witness or more, pay to the said Trustees the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Twenty Pounds, and all Costs, Charges, and Expences attending such Conviction; which Damages and Costs shall be levied by Distress and Sale of the Goods and Chattels of such Owner, Master, Captain, or other Person having the Command as aforesaid, by Warrant or Warrants under the Hand and Seal of such Justice; and the Overplus (if any), after such Damages and the Costs and Charges of such Distress and Sale are deducted, shall be returned, upon Demand, to such Owner, Master, Captain, or Commander; or if the said Damages shall exceed the Sum of Twenty Pounds, then and in such Case such Owner, Master, Captain, or Commander shall or may be sued and prosecuted for the same in the Name of the said Trustees, or any One of them, or in the Name of their Clerk, in any of His Majesty's Courts of Record at *Westminster*.

CIII. And be it further enacted, That if the Master or Masters, Owner or Owners, or other Person having the Command of any Trow, Barge, Boat, or Vessel, shall be compelled to pay any Penalty, or to make Satisfaction for any Damages by reason of any wilful Act, Neglect, or Default of his or their Trowmen, Boatmen, Servants, or other Persons employed by them, or any of them, such Trowmen, Boatmen, Servants, or other Persons employed, and each and every of them, shall be liable to pay such Penalty or Damage, with the Costs thereof, to such Master or Masters, Owner or Owners, or other Person as aforesaid; and in case of Non-payment thereof upon Demand, and Oath or Affirmation made by such Master or Masters, Owner or Owners, or other Person as aforesaid, of the Payment made by him or them of such Penalty or Satisfaction for Damages, and that the same and the Costs thereof have or hath not been repaid to him or them by such Trowman, Boatman, Servant, or other Person, or any of them, although demanded, such Oath or Affirmation to be made before any one Justice of the Peace for either of the said Counties of *Gloucester* or *Worcester*, or the Borough of *Tewkesbury*, the Amount thereof shall be recovered in like Manner as any other Penalty is hereby directed to be recovered.

CIV. And

Statute Duty. CIV. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto in like Manner in every Respect as they now are or heretofore have been; and it shall be lawful for any Two or more Justices of the Peace for the County, Borough, or Place, within their respective Jurisdictions, and they are hereby empowered and required, upon Application made to them by any Three or more of the said Trustees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Hamlets, Parishes, or Places in or through which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Hamlet, or Place, to bring in Lists in Writing before such Justices, at some Place to be expressed in such Summons, within Ten Days after the Service of such Summons, of the Names of the several Persons who within such Parish, Hamlet, or Place respectively are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of and as a Composition for such Statute Work, distinguishing the Nature of such Work to be done, whether with Teams or with Draughts or otherwise, as also the Amounts of the respective Sums to be paid; which List of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for Repair of Public Highways; and out of such Lists such Justices shall or may appoint and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads, as the said Justices shall think reasonable; and the same shall be done on such Days, and at such Times (not being Hay-time or Harvest), and on such Parts of the said Roads as the said Trustees, or any Three or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor or Surveyors of every such Parish, Hamlet, or Place for the Time being, to pay over to the said Trustees, or to their Treasurer, such Proportion of the Composition for Statute Work as aforesaid, as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors of the said Roads, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Fines, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force or effect for the Repair of Public Highways; and any Person who shall come to work as a Labourer, or who shall be sent with any Team or  
Draught



Draught to work on the said Roads shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be so found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, as if he had neglected or refused to come, or such Team or Draughts had not been sent to work on any Part of the said Roads, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highway for any of the said Parishes, Hamlets, or Places respectively, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways, by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the County, Borough, or Place, on Complaint made to such Justices by the Surveyor to the said Trustees.

CV. And be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by him, her, or them done on the said Roads, or any Part thereof, and also with the Surveyor or Surveyors of the Highways for any of the Parishes, Hamlets, or Places in which the said Roads lie, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think proper and reasonable, in lieu of the Whole or any Part of the Statute Work or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, Hamlet, or Place, or by the Person or Persons so compounding, to the Treasurer to the said Trustees, in Advance, on or before the Twenty-ninth Day of *September* in each and every Year, or otherwise such Person or Persons, Bodies Politic or Corporate, or Inhabitants or Occupiers within such Parish, Hamlet, or Place, shall not be permitted to compound for that Year; and all such Composition Money shall be applied for the Purposes of this Act; and that every such Surveyor of the Highways, who shall pay any such Composition Money, shall be reimbursed the same in like Manner as Surveyors of the Highways are by the Laws in being to be reimbursed the Money by them laid out and expended in buying Materials for the repairing any other Highway.

Statute Work  
may be com-  
pounded for.

CVI. And whereas the probable Expence of building the said Bridge and making the said Roads will, according to an Estimate thereof, amount to the Sum of Twenty thousand seven hundred Pounds, and the Sum of Sixteen thousand seven hundred Pounds, being more than Four-fifth Parts of such Expence, has already been subscribed for defraying such Expence by several Persons, under a Contract, binding them, their Heirs, Executors, and Administrators, for Payment of the several Sums so subscribed by them respectively; be it therefore further enacted, That the Whole of the said Sum of Twenty thousand seven hundred Pounds shall be subscribed

The Whole  
of the Esti-  
mate to be  
subscribed  
before the  
Act is to be  
put into Exe-  
cution.

[*Local.*]

*E e*

in

in like Manner before any of the Powers and Provisions given by this Act shall be put in force.

Bridge, &c.  
to be com-  
pleted in  
Five Years.

CVII. And be it further enacted, That if the said Trustees shall not within Five Years from and after the passing of this Act complete the said Bridge and Roads, so as to make the same passable for Horses and Carriages, then and from thenceforth all and singular the Powers and Authorities vested in them by this Act shall cease and determine to all Intents and Purposes whatever, save only as to so much of such Works as shall have been completed within the Time aforesaid.

Contracts for  
Repairs.

CVIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to contract and agree with any Person or Persons for widening, altering, diverting, improving, or repairing the said Roads, or any Part or Parts thereof, or for doing any other Works in pursuance and execution of this Act and the said recited Act, in such Manner and for such Sum or Sums of Money annually, or for a Term not exceeding One Year, as the said Trustees shall think proper and direct or appoint.

For securing  
transient  
Offenders.

CIX. And whereas Offences may be committed against this Act and the said recited Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in Execution; be it therefore further enacted, That it shall be lawful for any of the said Trustees, or their Clerk or Clerks, Collectors, Surveyor, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons as shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace for the County, Borough, or Place where such Offence shall be committed, or such Offender or Offenders shall be seized and apprehended, and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act and of the said recited Act.

Recovery and  
Application  
of Penalties  
and Forfeitures.

CX. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby or by the said recited Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein or therein otherwise directed), shall upon Proof and Conviction of the Offences respectively before any Justice of the Peace for the County, Borough, or Place wherein the Offence shall be committed, or wherein the Offender shall be or reside, either by Confession of the Party or Parties offending or by Oath (or being One of the People called *Quakers* by Affirmation) of One credible Witness or more, be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant); and the Overplus (if any) after such Penalties, Forfeitures, and Fines and the Charges of such Distress and Sale are deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then

it

it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, (such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise); but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, Borough, or Place where the Offender or Offenders shall be or reside, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively when paid or levied, if not otherwise directed to be applied by this Act or the said recited Act, shall be from Time to Time paid, one Moiety thereof to the Informer or Person suing for and recovering the same, and the other Moiety to the Treasurer or Treasurers to the said Trustees, and applied and disposed of for the Purposes of this Act.

CXI. And for the more easy and speedy Conviction of Offenders against this Act or the said recited Act, be it further enacted, That all and every the Justices and Justice of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act or the said recited Act, shall and may cause the Conviction to be drawn up in the following Form of Words (as the Case shall happen), or in any other Form of Words to the like Effect; (that is to say),

‘  
 ‘ to wit. } **BE** it remembered, That on the Day of Form of  
 ‘ in the Year of our Lord Conviction.  
 ‘ *A. B.* is convicted before me, One of His Majesty’s  
 ‘ Justices of the Peace for the said County [*or Borough, as the Case may*  
 ‘ *be*] by virtue of an Act of Parliament of the Fourth Year of the Reign  
 ‘ of King *George* the Fourth, intituled *An Act* [*here set forth the Title of*  
 ‘ *this Act, and specify the Offence and the Time and Place when and where*  
 ‘ *committed, and the Adjudication and Penalty*] or by virtue of an Act of  
 ‘ Parliament of the Third Year of the Reign of His Majesty King *George*  
 ‘ the Fourth, intituled *An Act to amend the General Laws now in being*  
 ‘ *for regulating Turnpike Roads in that Part of Great Britain and Ireland*  
 ‘ *called England (as the Case may be.)* Given under my Hand and Seal  
 ‘ the Day and Year first above written.’

CXII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done by any Justice or Justices of the Peace in pursuance of this Act or the said recited Act (except under the particular Circumstances herein-after mentioned), and for which no particular Method of Relief hath been already appointed such Person, in case the Penalty or Forfeiture shall exceed the Sum of Forty Shillings where the Appeal is to be against a Conviction for a Penalty or

or Forfeiture, may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be held for the County, Borough, or Place in which the Cause of Complaint shall arise, such Appellant first giving or causing to be given to such Justice by whose Act or Acts such Person shall think himself or herself aggrieved, Notice in Writing of his or her Intention of bringing such Appeal, and of the Matter thereof, within Six Days after the Cause of such Complaint shall arise, and within Four Days next after such Notice entering into Recognizances before some Justice of the Peace for such County, Borough, or Place, with Two sufficient Sureties, conditioned to try such Appeal and abide the Order of and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions, and also to pay the Penalty or Forfeiture in case the Conviction shall be affirmed; and every Justice of the Peace having received Notice of any such Appeal as aforesaid, shall return all Proceedings whatever had before him respectively, touching the Matter of such Appeal, to the said Justices at their General Quarter Sessions aforesaid, on pain of forfeiting Fifty Pounds for every such Neglect; and the Justices at such Sessions, upon due Proof of such Notice having been given as aforesaid, and such Recognizances having been entered into in Manner before directed, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper, to be levied and recovered as herein-before directed; and the Determination of such Justices at such Quarter Sessions shall be final and conclusive to all Intents and Purposes: Provided always, that in case there shall not be Time to give such Notice and enter into such Recognizances as aforesaid before the next Sessions to be holden after the Conviction of the Appellant, then and in every such Case such Appeal may be made to the next following Sessions, and shall be there heard and determined.

Mitigation  
of Penalties.

CXIII. Provided always, and be it further enacted, That it shall be lawful for any Justice or Justices of the Peace, before whom any Person shall be convicted of any Offence against this Act or the said recited Act, if he or they shall think proper, to mitigate or reduce the Penalty incurred by such Person, so as such Reduction or Mitigation do not exceed Two-thirds of the Penalty to which such Person would be liable under this Act or the said recited Act.

Recovery of  
Penalties by  
Action or  
Information.

CXIV. And be it further enacted, That every Prosecutor or Informer shall sue for and recover any Forfeiture or Penalty imposed by this Act or the said recited Act, in the Manner herein-after mentioned, (that is to say), if the same shall be Twenty Pounds or upwards, it shall be recoverable by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, in which it shall be sufficient to declare that the Defendant is indebted to the Plaintiff in the Sum of \_\_\_\_\_ being forfeited by an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [here set forth the Title of this Act]; or, being forfeited by an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [here set forth the Title of the recited Act], as the Case may be; and the Plaintiff, if he recover in any such Action, shall have full Costs, provided that there shall not be more than One Recovery for the same Offence, and that Twenty-one Days Notice in Writing be given to the Party offending, pre-

vious

vious to the Commencement of such Action, and that the same be brought within Three Calendar Months after the Offence for which such Action is commenced shall have been committed; and if such Penalty or Forfeiture shall not amount to Twenty Pounds, the same shall be recoverable only by Information before a Justice or Justices of the Peace, subject to Appeal in manner herein-before mentioned.

CXV. And be it further enacted, That no Order made, touching or concerning any of the Matters in this Act, or the said recited Act contained, or of any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act or the said recited Act, shall be quashed for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act or the said recited Act, the Distress itself shall not be deemed unlawful, nor 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 Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done or 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, if any, in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity, Trespass, or wrongful Proceeding as aforesaid, if Tender of sufficient Amends shall be made by or on behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity or wrongful Proceeding before such Action commenced; and in case no such Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court in which such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall see fit, whereupon such Proceedings or Orders and Judgment shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Certiorari  
not allowed.

CXVI. And be it further enacted, That where any Oath or Affirmation is by this Act or the said recited Act required and directed to be made or taken, the Justice or Justices of the Peace for the County, Borough, or Place, or the said Trustees (as the Case may be) according to the several Jurisdictions hereby given to them respectively as aforesaid, shall, and they are hereby respectively empowered to administer the same.

Justices em-  
powered to  
administer  
Oaths.

CXVII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act or the said recited Act, under the Direction or Authority of the said Trustees, until Fourteen Days Notice in Writing thereof shall be given to the Clerk to the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the De-

Limitation of  
Actions.

[*Local.*]

*F f*

Defendant

**General Issue.** Defendant or Defendants in every such Action or Suit shall or may, at his, her, or their Election, plead specially, or the General Issue Not Guilty, and at the Trial thereof give this Act and the said recited Act and the special Matter in Evidence; and if the Matter or Thing complained of shall appear to have been made under the Authority and in Execution of this Act or the said recited Act, or if any such Action or Suit shall be brought before Fourteen Days Notice in Writing given thereof as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or be brought and laid in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Action or Suit after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or

**Treble Costs.** Defendants shall recover Treble Costs, and have the like Remedy for the Recovery thereof, as any Defendant or Defendants hath or have in any Case by Law.

**Trustees may allow Expences of Indictments, &c.**

CXVIII. And be it further enacted, That the said Trustees, at any Meeting to be held pursuant to the Directions of this Act or the said recited Act, may and they are hereby empowered to order and direct Prosecutions by Indictment, Action, or otherwise, against the Offender or Offenders, for any Nuisance or other Offence done, committed, or continued, in or upon the said Bridge or Roads, or to recover any Penalty or Forfeiture incurred under the Provisions of this Act or the said recited Act, at the Expence of the Revenues belonging to the said Bridge and Roads.

**In case of Non-payment of Compensation for Materials, Damages, &c. the same to be levied by Distress of the Goods of the Trustees or their Treasurer.**

CXIX. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered, by any Justice or Justices of the Peace, to be paid in pursuance of the Directions of this Act or the said recited Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act or of the said recited Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences

of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees or their Treasurer for the Time being, as the Case may be.

CXX. And be it further enacted, That this Act shall commence on the *First Monday* next after the passing hereof, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commence-  
ment and  
Continuance  
of this Act.

CXXI. 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. Public Act.

The SCHEDULE to which this Act refers.

GENERAL STATEMENT of the Income and Expenditure of the Bridge and Roads called The Tewkesbury Severn Bridge and Roads, between the Day of and the Day of

EXPENDITURE.	£ s. d.	INCOME.	£ s. d.
To Surveyor's Account of Day Labour between the Day of and the Day of for Maintenance and Repair of Bridge and Roads - - -		By Balance in Treasurer's Hands	
To Surveyor's Account of Team Labour, between the Day of and the Day of - - -		By Amount of Rents received from the Lessees, or Tolls received from Gate Keepers, between the Day of and the Day of	
To Surveyor's Account for Work executed by Contract -		By Amount of Statute Labour received from all the Parishes, Hamlets, or Places, through or into which the said Roads run - - -	
To Surveyor's Accounts for Repairs or Maintenance or building Houses, Gates, or Bridges		By Amount of Money borrowed and now due on Security of the Tolls (if any) - -	
To Surveyor's Account for Land purchased or for Damage done - - -		By incidental Receipts -	
To Surveyor's Account of Rent of Quarries - - -			
To Salaries and other Payments to Clerks, Surveyor, and other Officers - - -			
To printing, advertising, and stationery - - -			
To Payments for the Use of the Room for Trustees to hold their Meetings in - - -			
To Interest of Debt - - -			
To incidental Charges -			
£		£	

GENERAL STATEMENT OF DEBTS AND CREDITS.

	£ s. d.		£ s. d.
On account of the Amount of Debt bearing Interest -		Arrears of Rents or Tolls due and not received - -	
On account of Interest due -		Interest or other Money due on account of the Bridge and Roads - - -	
On account of floating Debt -			
£		£	