

order and appoint certain Toll Gates and Toll Houses to be erected, at which Gates there should be due and paid to the Collector or Collectors to be appointed as therein mentioned, as a Toll or Tolls, the several Sums of Money therein particularly specified; and after reciting that it would be necessary to borrow Monies upon the Credit of the said Act, for more speedily and effectually carrying into Execution the several Purposes thereof, it was thereby also enacted, that it should be lawful for the said Trustees, or any Seven or more of them, from Time to Time, in manner therein mentioned, to assign over or mortgage the respective Tolls thereby granted, or any Part or Parts thereof, for securing the Repayment of any Sum or Sums of Money so by them to be borrowed, with such Interest for the same as the said Trustees or any Seven or more of them should from Time to Time think proper to allow of, or could agree for, or otherwise as they should think fit, for selling and securing Annuities for Lives or otherwise, to be paid out of the said Tolls, in lieu of any Sum or Sums of Money so to be by them borrowed or raised for the Ends and Purposes aforesaid; and further, that as soon as the several Purposes of the said Act should be carried into Execution, and the Principal Money with its Interest, and the Annuities borrowed and secured upon the Credit thereof, should be repaid and satisfied, then and from thenceforth all the Tolls thereby imposed should absolutely cease and determine: And whereas by the said second-recited Act, further Powers were granted to the said Trustees for finishing and completing the said Bridge, and carrying the Purposes of the said Acts into Execution; and after reciting that the Tolls authorized to be taken by the said first-recited Act were found insufficient to defray the Expence of completing the said Bridge, and opening proper Avenues thereto, and of executing the several other Works directed to be done by the said Act, and that it was necessary to increase the said Tolls; it was therefore enacted, that instead of the several Tolls granted by the said first-recited Act, the several Tolls therein-after specified should be demanded and taken, and be subject and liable to the Payment of all Monies then due and owing, or which should or might thereafter be borrowed and become due on the Credit of the said recited Acts, and of all Interest due and to grow due for the same respectively: And whereas the Trustees for executing the said recited Acts, in pursuance of the Powers thereby granted to them, did borrow from Time to Time divers Sums of Money upon the Credit of the said Acts respectively, and assigned over and mortgaged the respective Tolls thereby granted, for securing the Repayment of the Monies so borrowed, with Interest for the same, and also for securing certain Annuities to be paid out of the said Tolls respectively, in lieu of divers other of the said Sums so borrowed as aforesaid; which Sums of Money, and the Interest thereof, with certain Annuities, have since been repaid, but several other Annuities still remain due and unsatisfied: And whereas the said Trustees have completed the said Bridge and the necessary Passages and Avenues thereto, and have duly fulfilled and executed, agreeably to the Powers vested in them, the other Purposes of the said Acts, except the Payment of the said Annuities so remaining unsatisfied as aforesaid; and also except the making of such Repairs as may from Time to Time become necessary to the Avenues and Passages of the said Bridge, and the Wings thereof, until the Tolls shall cease and determine; which said Annuities amount together to the annual Sum of Ninety-two Pounds, and to the Payment of which said Annuities

and Repairs the Tolls granted by the said recited Act of the Nineteenth Year of His late Majesty are now subject and liable: And whereas, if further Powers were granted as herein-after mentioned, and other Provisions made for the Payment of the said Annuities and Repairs, the present Tolls might immediately be reduced, and in a few Years be wholly discontinued, to the great Relief and Benefit of the Public, and all Persons passing and repassing over the said Bridge: But as the before-mentioned Purposes 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 all His Majesty's Justices of the Peace for the Time being acting for the County of *Worcester* shall be added to and joined with the Trustees appointed by or in pursuance of the said recited Acts or either of them, (being qualified according to the Directions of the first-recited Act), for carrying this and the said recited Acts into Execution. Trustees

II. And be it further enacted, That from and after the Thirtieth Day of *September* next after the passing of this Act, the several Tolls granted by the said recited Acts shall cease and be no longer paid, and that instead thereof, the following reduced Tolls shall be demanded and taken by the Collector or Collectors to be appointed by the said Trustees, or any Seven or more of them, before any Horse, Cattle, Beast, or Carriage shall be permitted to pass through any such Gate or Gates; that is to say, Present Tolls to cease, and reduced Tolls granted.

For every Horse, Mule, or other Beast drawing any Coach, Berlin, Chariot, Chair, Chaise, Calash, Hearse, Litter, Caravan, or other Carriage, the Sum of Three-pence:

For every Horse, Mule, or other Beast drawing any Waggon, Cart, Wain, or other Wheel Carriage, the Sum of One Penny:

For every Horse, Mule, or other Beast drawing any Sledge, Trolley, or Dray, with or without Wheels, the Sum of One Penny:

For every Horse, Mule, Ass, or other Beast of Burden, laden or unladen, and not drawing, the Sum of One Penny:

For every Score of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence, and so in proportion for any less Number:

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence, and so in proportion for any less Number:

Which said respective Sums before mentioned shall be demanded and taken as a Toll or Tolls, and shall be and the same are hereby vested in the said Trustees.

III. Provided always, and be it further enacted, That none of the Toll or Tolls hereby granted shall be demanded or taken of any Person or Persons more than once in the same Day, in respect of the same Carriages, Horses, or other Cattle, (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), such Person or Persons producing a Ticket denoting the previous Payment of the said Toll or Tolls, which Ticket the Collector or Collectors of the Tolls for the Time being is and are hereby required to give *gratis* on Receipt of any such Toll or Tolls, if required so to do; and also that Tolls to be taken only once a Day.
where

where any Horses travelling for Hire under the Post Horse Duties Act shall have passed over the said Bridge drawing any Carriage, in respect of which any of the said Tolls shall have been paid, the said Horses returning over the said Bridge without such Carriage, and the said Carriage in case the said Horses shall return drawing such Carriage, the same being empty, and not being engaged or employed upon any fresh Hiring, shall be permitted to repass Toll-free, although such Horses and Carriage shall not have passed over the said Bridge on the same Day; provided that such Horses and Carriage, or Horses without such Carriage, shall return before Nine of the Clock of the Morning succeeding the Day on which the said Toll was paid in respect of such Carriage, and a Ticket shall be produced, denoting the previous Payment of the Toll in respect of such Carriage.

Stage
Coaches to
pay each
Time of
passing.

IV. Provided always, and be it further enacted, That all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, shall be again chargeable with Toll for repassing through such Toll Gate, in like manner as if no Toll had been before paid thereat, and that the Toll hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing and repassing over the said Bridge on the same Day, with a Ticket denoting a fresh Hiring.

Table of
Tolls to be
put up.

V. And be it further enacted, That a Table of the Tolls payable under this Act shall be affixed on the Toll House erected or to be erected upon the said Bridge.

To enforce
Payment of
Tolls.

VI. And be it further enacted, That it shall be lawful for the Collector or Collectors of the said Tolls, or any of them, to stop and prevent the Passage of any Person or Persons neglecting or refusing to pay the said Tolls or any of them, or of the Horse, Beast, Cattle, Carriage, or other Thing for or in respect whereof the said Tolls ought to be paid, or it shall be lawful for the said Collector or Collectors to seize and detain the Goods and Chattels of such Person or Persons, or such Horse, Beast, Cattle, Carriage, or other Thing, together with their respective Bridles, Saddles, Gears, or Harness, (except the Bridle or Reins attached to any Horse or Beast), and in case the said Tolls shall not be fully paid and satisfied, together with all reasonable Costs and Charges of making, detaining, and keeping such Distress, within the Space of Four Days, the said Collector or Collectors shall and may sell the same, rendering the Overplus (if any), on Demand, after deducting such Costs and Charges of making, detaining, keeping, and selling such Distress, to the Owner or Owners thereof.

For pre-
venting Toll
Collectors
from taking
any undue
Tolls.

VII. And be it further enacted, That all and 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 by this Act granted, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate immediately on his coming on Duty, each
of

of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and every such Collector shall place or cause to be placed on the Front of the Toll House or Toll Houses at which such Collector shall be stationed the Board herein directed to be provided by the Trustees, and also the List of the Tolls payable at the Gate where such Collector shall be stationed as aforesaid; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the said recited Acts or this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer or shall in anywise hinder any Person or Persons from reading such Board, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or upon the legal Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, 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, to be recovered and applied as herein-after mentioned.

VIII. And be it further enacted, That in case any Dispute or Disputes shall happen respecting the demanding or taking the Payment of Toll; or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by any Justice of the Peace for the County, City, or Place in which the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses, (which Oath every such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due, and other Matters in Dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable, all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered 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, (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any) after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Disputes concerning Toll may be settled by a Justice.

IX. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person to be deemed

[Local.]

7 X

Toll Bar Keepers not to be deem-

ed incompetent Witnesses.

Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by Reason of his, her, or their being so appointed, or interested under such Appointment, or being paid to collect the Tolls, or acting or being paid to act under the Authority of the said Trustees.

Present Exemptions repealed.

X. Provided always, and be it further enacted, That all the Exemptions from the Payment of Tolls, allowed by the said recited Act of the Nineteenth Year of His said late Majesty, shall, from and after the Thirtieth Day of *September* next after the passing of this Act, be and the same are hereby repealed.

Royal Family exempted.

XI. Provided always, and be it enacted, That this Act shall not extend, or be construed to extend, to charge with Toll any Horse or Carriage attending His Majesty or any of the Royal Family.

General Exemption from Tolls.

XII. Provided always, and be it further enacted, That no Toll whatsoever shall be demanded or taken for any Horse, Beast, Cattle, or Carriage, of whatsoever Description, employed or to be employed in conveying, fetching, or guarding any Mails of Letters and Expresses, under the Authority of His Majesty's Postmasters General, either when employed in conveying such Mails or Expresses, or in returning back from conveying or guarding the same; or for any Soldiers upon their March or upon Duty, or for any Horse, Beast, Cattle, or Carriages attending them with their Arms and Baggage, or returning after having been so employed; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Waggon, Cart, or other Carriage, which shall be laden only with Muck, Soil, Ashes, or other Manure for Land, or which shall be returning empty after having been so laden; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel; or from any Person or Persons going to or returning from his, her, or their usual licensed Place of Religious Worship tolerated by Law on *Sundays*, or any Day on which Divine Service is by Authority ordered to be celebrated; or for any Horse, Beast, Cattle, or Carriage, travelling with Vagrants sent by legal Passes, or any Prisoner sent by any legal Warrant, or returning after having been so employed; or for any Volunteers upon their March, or upon Duty, or in going to or returning from the Place appointed for and on the Days of Exercise, or for any Horse furnished by or for or belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him or them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Person or Persons be dressed in the Uniforms of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; or for any Coach, Berlin, Landau, Chariot, Calash, Chair, or other Carriage, or Passenger on Horseback, going to or returning from any Election of any Knight or Knights of the Shire to serve in Parliament for the County of *Worcester*, on the Day or Days of such Election, or on the Day before or the Day after such Election

Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted from the Whole or any Part of the several Tolls hereby authorized to be taken, not being entitled to the same, such Person or Persons for every such Offence shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

XIII. And be it further enacted, That it shall and may be lawful to and for the Collector or Collectors of the Tolls hereby granted during the Continuance of the said Tolls, and afterwards for the Surveyor of the said Bridge, or any Person for that Purpose to be appointed by the said Trustees, or any Seven or more of them, and they are hereby empowered and required to receive, take, and demand, over and above the Tolls payable by this Act, the following Sums of Money as additional Tolls for every Hundred Weight of One hundred and twelve Pounds to the Hundred which any Waggon, Cart, or other such Carriage, together with the Loading thereof, shall weigh at any Weighing Machine or Engine, (which Machine or Engine the said Trustees, or any Seven or more of them, at any of their respective Meetings, may cause to be built and erected at or near the said Bridge), over and above the Weights to them respectively allowed by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*; (that is to say),

Additional
Tolls for
Overweight.

3 G. 4. c. 126.

For the First and Second Hundred of such Overweight, the Sum of Three-pence for each Hundred:

For every Hundred of such Overweight above Two hundred and not exceeding Five hundred, the Sum of Sixpence:

For every Hundred of such Overweight above Five hundred and not exceeding Ten hundred, the Sum of Two Shillings and Sixpence:

And for every Hundred of such Overweight exceeding Ten hundred, the Sum of Five Shillings.

Which said additional Sums or Tolls hereby granted and made payable at such Weighing Machine or Engine shall and may be levied and recovered in such Manner as any other of the said Tolls or Duties are hereby authorized to be levied and recovered, and the Monies arising therefrom shall be applied to the Repairs of the said Bridge and the Avenues and Passages leading thereto in such Manner as the said Trustees or any Seven or more of them may from Time to Time direct.

XIV. 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, Barrack, 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 Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage 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 any 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,

Owners or
Drivers of
Waggons
employed in
the Service
of His Ma-
jesty's
Forces not
to be sub-
ject to Pe-
nalties for
Overweight.

Cart,

Cart, or other Carriage, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act, contained to the contrary notwithstanding.

Penalty on
evading
Tolls.

XV. And be it further enacted, That if any Person or Persons shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons, (except a Collector of the Tolls), any Note or Ticket of the Day by this Act directed to be given by the Collectors or Receivers of the said Tolls, or any Note or Writing purporting to be such, for the Purpose of evading the said Tolls or any of them, or shall forcibly or fraudulently pass through any Turnpike or Toll Gate with any Horse, Carriage, Cattle, or Beast, without Payment of Toll, or shall take off or cause to be taken off any Horse, Beast, or Cattle from any Carriage, or after having passed through any Turnpike or Gate, shall put on an additional Horse or Beast to any such Carriage, or shall leave or cause to be left upon the Road near to the said Bridge any Horse, Cattle, Beast, or Carriage, or shall unload or cause to be unladen any Goods, Merchandize, or other Things from or out of any Carriage, with Intent to evade Payment of any of the said Tolls, all and every such Person or Persons so offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and besides such Damages or Punishment as he, she, or they shall be otherwise liable to by Law.

Power to
lessen the
Tolls.

XVI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered from Time to Time to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees shall think proper, and from Time to Time afterwards to advance any of the Tolls so lessened or reduced to any Amount not exceeding the respective Tolls granted by this Act: Provided always, that it shall not be lawful for the said Trustees to lessen or reduce the said Tolls, or any of them, without the Consent of Five-sixths in Value of the Creditors on the said Tolls respectively, and no Toll shall be lessened, reduced, or advanced, unless at a Meeting of the said Trustees, of which Fourteen Days Notice shall be given in the same Manner as is by the said recited Act directed, relative to Notices of other Meetings of the said Trustees.

For remov-
ing and pre-
venting An-
noyances.

XVII. And be it further enacted, That it shall be lawful for the Surveyor of the said Bridge and such Person as he or they shall appoint to remove and prevent all Annoyances on any Part of such Bridge and Wings, or the Avenues and Passages thereof, or adjoining thereto, by placing or laying, or causing or permitting to be placed or laid, any Goods, Wares, or Merchandizes, or any Filth, Dung, Ashes, Rubbish, or any other Matter or Thing whatsoever; and to dispose of the same for the Benefit of such Bridge, Wings, Avenues, and Passages, and in case the Owner thereof shall neglect to remove the same within Twelve Hours after Notice in Writing, signed by any of the Trustees or their Surveyor, 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 Turnpike Gate or Toll House, and to turn any Watercourses, Sinks, or Drains running into, along, or out of the said Bridge, Wings, Avenues, and Passages, or any Part thereof, to the Prejudice of the same, and to open, scour, and
cleanse

cleanse any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he shall think proper and necessary, in case the Owners or Occupiers of the adjoining Lands shall neglect to open or cleanse such Watercourses or Ditches, after Six Days Notice in Writing given for that Purpose, and the Charges thereof, and of removing any Annoyances, to be settled by any Two or more Justices of the Peace of the said City of *Worcester*, shall be reimbursed to the said Surveyor by such Owners or Occupiers, 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 Annoyances, any Person shall again offend in the like Kind, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XVIII. And whereas out of the Monies raised under and by virtue of the said recited Acts the Sum of One thousand Pounds Three *per Centum* Consolidated Annuities has been purchased by and on account of the said Trustees for the Purposes of the said Acts, and a further Sum of Six hundred and seven Pounds Eleven Shillings and Five-pence or thereabouts in Money is now remaining in the Hands of the Treasurer of the said Trustees for the like Purposes; be it further enacted, That it shall and may be lawful for the said Trustees or any Seven or more of them to apply as well the said Consolidated Annuities and Sum of Six hundred and seven Pounds Eleven Shillings and Five-pence in Money as the said respective Tolls hereby granted, and all Dividends and Interests to arise and grow due on the said Consolidated Annuities and Sum of Money, or any other Monies to be hereafter invested or placed out at Interest, and all Penalties payable to the said Trustees, and all Monies whatsoever to be raised by virtue of the said recited Acts and this Act, or so much thereof as shall be requisite, to the Payment in the first Place of all Charges and Expences incident to and attending the obtaining and passing of this Act, and then to the Annual Payment of the said Annuities for Lives herein-before mentioned as the same or any Part thereof shall become due, and to the Payment of all Expences to be incurred from Time to Time, until the said Tolls hereby granted shall cease and determine, in and about the Repairs of the said Bridge and Wings, and to the Payment of all Expences to be incurred from Time to Time in and about the Repairs of the Avenues and Passages thereof, and also of all Expences to be incurred in and about the further Execution of any of the Directions, Purposes, or Objects of the said recited Acts and this Act, or of any of the Powers or Authorities thereby respectively granted: Provided always, that until the said Annuities for Lives herein-before mentioned shall be redeemed, or the Lives on which the same are granted have expired, or such Provision made for them as is herein-after contained, the said respective Tolls hereby granted, and every Part thereof, shall be subject and liable to the Payment of the said Annuities respectively, in as large and ample a Manner to all Intents and Purposes as the Tolls respectively granted by the said recited Act of the Nineteenth Year of His said late Majesty were subject and liable to the Payment of before the passing of this Act, any thing in this Act contained to the contrary thereof notwithstanding.

Tolls to be subject to the Payment of Annuities and other Expences.

XIX. And be it further enacted, That if any Overplus shall remain of the said Consolidated Annuities or Money so remaining in the Hands of

[Local.]

7 Z

Directing how overplus Monies shall be disposed of.

the Treasurer as aforesaid, or of the Tolls hereby granted, or of the said Dividends and Interest, or other Monies payable to the said Trustees, or to be raised by virtue of the said recited Acts and this Act, after Payment of the said Annuities, and the said several Charges and Expences before specified, it shall and may be lawful for the said Trustees or any Seven or more of them, from Time to Time, as such Overplus shall be and remain, to apply the same, or so much thereof as shall be necessary, to the Redemption of all or any of the said Annuities for Lives from the said respective Annuitants, or such of them as shall be able and willing to contract for the same, for such Sum or Sums of Money, and on such Terms respectively as to the said Trustees or any Seven or more of them shall seem meet; and if any such Redemption cannot be effected, then and in such Case it shall and may be lawful to and for the said Trustees or any Seven or more of them, and they are hereby authorized and required to apply the said Overplus or so much thereof as should be necessary to the Purchase of One or more other Annuity or Annuities for the Life or Lives respectively and of equal Amount with the Annuity or Annuities respectively of the Annuitant or Annuitants who shall be unable or unwilling to contract for such Redemption as aforesaid; such Annuity or Annuities so to be purchased being secured on Real Estates of Inheritance in Fee Simple, or on Government or other good and sufficient Security, and to be conveyed and assured respectively by good and sufficient Deeds and Assurances in the Law to the Annuitant or Annuitants respectively entitled to the same, and which said Annuity or Annuities, so to be purchased and conveyed, shall immediately from and after such Conveyance be deemed and taken to be a full and absolute Satisfaction and Discharge of such Annuity or Annuities in the Room of which the same shall be respectively conveyed.

After such Payments, &c. Overplus to be invested in the Public Funds.

XX. Provided always, and be it further enacted, That until such Redemption and Purchase or Purchases as aforesaid can be effected, the said Overplus shall from Time to Time be invested by the said Trustees in the Public Funds, or placed out at Interest on other good and sufficient Security, and the Dividends and Interest thereof, as the same shall arise and grow due, shall be added to the other Monies to be received under and by virtue of the said recited Acts and this Act, and applied to the Purposes by this Act directed.

Purchase Monies and Compensation to Corporate Bodies to be laid out to the same Uses.

XXI. And be it further enacted, That all Sum and Sums of Money which are to be paid to any Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees or other Trustees acting as Guardians, Committees, or other Trustees for or on Behalf of any Lunatics, Idiots, Femes Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any Disability or Incapacity whatsoever, for the Purchase of or the Damages to be done or occasioned to any such Lands, Tenements, or Hereditaments, by virtue or in consequence of the Powers in the said recited Acts or this Act contained, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, 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 under this Act, to the Intent that such Money

Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way; by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Charge or Incumbrance, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting any Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such Uses, Trusts, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, and 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 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 Dividend and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by the Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so hereby directed to be purchased in case such Purchase and Settlement were made.

XXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes of the said recited Acts or this Act, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, or on account of any Damage to be done or occasioned to any such Lands, Tenements, or Hereditaments as herein-before mentioned, 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 Lands, Tenements, or Hereditaments so purchased, taken, used, or injured, in respect whereof the same shall be paid; or of his, her, or their Guardian or Guardians, Committee or Committees, 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, to 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 the Trustees under this Act, (such Nomination and Approbation to be signified under the Hands

Application where Purchase Money is less than 200*l.* and above 20*l.*

of

of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in the 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 Court of Chancery.

Application when Money is less than 20l.

XXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last above-mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of such Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, in respect whereof the same shall be paid, 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; and the Receipt or Receipts of the Person or Persons to whom the said Trustees shall direct the same to be paid shall be sufficient Discharges for the same.

Directing how Monies to be paid in case of Failure of Title, &c.

XXIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the said recited Acts or 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 the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in such Case it shall and may be lawful to and for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such 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 or 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 such Sum or Sums of Money into the Bank of *England* as aforesaid.

Where any Question shall arise as to the Title

XXV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money 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, in pursuance of the said recited Acts or this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest therein, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, in respect whereof such Money shall have been so paid, at the Time of passing this Act, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, or that such Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

to Money, the Person who shall be in Possession of the Lands, &c. to be deemed entitled thereto.

XXVI. 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 such or to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, or to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of the said recited Acts or this Act, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

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

XXVII. And be it further enacted, That the said Trustees or any Seven or more of them, by Writing under their Hands, shall and may appoint a Treasurer or Treasurers, Engineer or Engineers, Surveyor or Surveyors, Clerk or Clerks, Collector or Collectors, and Receiver or Receivers of the Tolls hereby granted; and such other Officers as they shall think necessary for the Purposes of this Act; and shall and may from Time to Time remove any such Treasurer or Treasurers, Engineer or Engineers, Surveyor or Surveyors, Clerk or Clerks, Collector or Collectors, Receiver or Receivers, and other Officers, as they shall see occasion, and appoint new ones in case of Death, Resignation, or Removal; and shall and may, out of the Money arising by virtue of this Act, make such Allowances to the Treasurer or Treasurers, Engineer or Engineers, Surveyor or Surveyors, Clerk or Clerks, Collector or Collectors, Receiver or Receivers, and other Officers, and to such other Persons as shall be employed in the Execution of this Act, as the said Trustees shall think reasonable; and every Officer shall as often as required by the said Trustees, render and give to them, or to such Person as they shall appoint, a true and perfect Account in Writing under his Hand, with proper Vouchers, of all Monies which he shall to such Time have received, paid, or dis-

Trustees may appoint Officers.

bursed by virtue of this Act, or by reason of his Office; and in case any Money so received shall remain in his Hands, the same shall be paid to the said Trustees, or to such Person as they shall by any Writing under their Hands authorize to receive the same, to be laid out in the Execution of this Act, and not otherwise; and in case any such Officer shall not give in and make such Account and Payment as aforesaid, or shall for the Space of Twenty-one Days after being thereunto required by the said Trustees, refuse or neglect to render and give up to the said Trustees, or to such Person as they shall direct, all Books and other Things in their Hands, Custody, or Power relating to the Execution of this Act, that then any Justice of the Peace for the County where such Officer shall dwell, shall and may make Enquiry concerning such Default in a summary Way, as well by the Confession of the Party as by the Testimony of One or more credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby empowered and required to administer without Fee or Reward); and if such Officer shall be convicted of any such Offence, such Justice shall upon such Conviction commit the Party to the Common Gaol of the County or City where such Officer shall reside, there to remain without Bail or Mainprize until he shall have made a perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Trustees, and have paid such Composition Money, (which Composition the said Trustees are hereby authorized and empowered to make and receive), and shall also have rendered and given up all such Books and other Things as aforesaid, or given Satisfaction in respect thereof to the said Trustees; but no Person so committed for want of sufficient Distress shall be confined or detained in Prison by virtue of this Act, for any longer Space of Time than Three Calendar Months: Provided always, that no Person shall be appointed or capable of holding any or either of the said Offices, or any Place of Profit under this Act, who shall sell any Wine, Cider, Beer, Ale, or Spirituous Liquors by Retail.

Security to be taken from the Treasurer and other Officers.

XXVIII. And be it further enacted, That the said Trustees shall and they are hereby required to take such Security from the Treasurer or Treasurers, or other Officers to be appointed for the Purposes of this Act, for the due Execution of their respective Offices, as they shall think proper.

Proceedings to be entered in a Book.

XXIX. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, with fair and regular Entries to be made therein, of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Book or Books, being signed by the Chairman who shall have been then present, or by any Seven or more of the Trustees present at such Meeting, shall be deemed Originals; which Book or Books, and also any Book or Books to be kept for registering Grants, Conveyances, Mortgages, and Assignments or Transfers thereof, shall be allowed to be read as Evidence in all Cases, Suits, Actions, Prosecutions, and Proceedings, touching or concerning any thing done in pursuance of the said recited Acts or this Act; and such Book or Books shall at all seasonable Times be open to the Inspection of all and every the said Trustees herein-before mentioned, and the Creditors of the Tolls hereby granted and made payable; and that

that any of the said Trustees and Creditors shall and may take Copies thereof, without paying any thing for the same.

XXX. 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 the said Bridge and Avenues to be erected and made in pursuance of the said recited Acts or this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Trustees or Creditors, or any or either of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in manner herein-after mentioned.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

XXXI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall act in both Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons 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, or Wager of Law, nor more than one Impar lance shall be allowed.

Clerk not to act as Treasurer, and vice versa.

XXXII. And be it further enacted, That when and so often as any Collector or Receiver of the Tolls shall die, or neglect or refuse to perform, or become incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Seven or more of the said Trustees, although not assembled at a Meeting of the said Trustees to be appointed by virtue of this Act, to discharge such Collector or Receiver so neglecting or refusing to perform or become incapable of performing his Duty, or absconding or absenting himself, and to nominate and appoint some other Person or Persons to be a Collector or Receiver of the said Tolls

Trustees may remove Collectors, and appoint temporary Ones.

Collector
refusing to
give up Toll
Houses, &c.

Justices em-
powered to
grant War-
rants, and
Constable to
enter and
remove such
Collectors,
&c.

How Trus-
tees may be
sued.

Property of
Turnpikes,
&c. vested in
Trustees.

Tolls until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver who shall so die or be discharged; and such Person or Persons so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the like Manner in all Respects as the Collector or Receiver who shall so die or be discharged would have had or been subject to; and that if any Collector or Receiver of the said Tolls who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person or Persons who may have the Possession of any Toll House or Building or any Appurtenances thereto, to be erected, set up, or used by virtue of this Act, shall neglect or refuse to deliver up the Possession thereof for the Space of Fourteen Days next after Demand thereof made by Notice in Writing, signed by any Seven or more of the said Trustees although not assembled at a Meeting, or by their Clerk or Clerks, Treasurer or Treasurers for that Purpose, given to such Collector or Receiver, or other Person or Persons, or left at any such Toll House, Building, or Premises, then and in any of the said Cases it shall be lawful for any One or more Justice or Justices of the Peace for the said City of *Worcester*, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the said City, with such Assistance as may be necessary, to enter such Toll House or other Buildings or Premises in the Day Time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and put the said Trustees or such new appointed Collector or Receiver as aforesaid into the Possession thereof.

XXXIII. And be it further enacted, That the said Trustees shall and may sue and be sued in the Name of any One of the said Trustees, or of their Treasurer or Clerk for the Time being; and that no Action or Suit which may be brought by or against the said Trustees or any of them in relation to this Act, in the Name of any One of the said Trustees or their Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of such Trustee, Treasurer, or Clerk, or by the Act of such Trustee, Treasurer, or Clerk, without the Consent of the said Trustees; but One of the said Trustees, or the Treasurer or Clerk for the Time being, shall always be deemed Plaintiff or Plaintiffs, Defendant or Defendants, in every such Action or Suit, as the Case may be: Provided always, that all and every such Trustee, Treasurer, or Clerk shall be reimbursed, out of the Monies to be raised by virtue of this Act, all such Costs, Damages, and reasonable Expences as he or they shall be put unto or become charged or chargeable with by reason of his or their being so made Plaintiff or Defendant, or Plaintiffs or Defendants as aforesaid; and no such Trustee, Treasurer, or Clerk shall be personally accountable or liable to the Payment of the same, unless such Action or Suit shall arise in consequence of his or their own wilful Neglect or Default, or have been brought or commenced without the Order or Direction of the said Trustees.

XXXIV. And be it further enacted, That the Right and Property of all the Tolls hereby granted, and the Toll Houses, Toll Gates, Bars, Toll Boards, Weighing Machines, Posts, Rails, Fences, Buildings, and Premises

mises already erected or provided by virtue of the said recited Acts or either of them, or hereafter to be erected or provided by virtue of this Act, and the Materials of which the same do or shall consist, or shall be provided for repairing the said Bridge, Wings, and Avenues, and other Requisites already or hereafter to be provided for the Purposes of the said recited Acts and this Act, shall be and are hereby vested in the said Trustees, and they or any Seven or more of them are hereby empowered to dispose thereof in such Manner as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer and prosecute, or order the preferring and prosecuting of Indictments against any Person or Persons who shall steal, take, or carry away, break down, injure, or spoil the same, or any Part thereof, or disturb the said Trustees, their Agents or Servants, in the Possession thereof; and in all such Actions and Proceedings whatever, whether Civil or Criminal, it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or in respect of which such Actions and Proceedings shall be brought and preferred, is or are the Property of "The Trustees for building and completing a Bridge at *Worcester* over the River *Severn*, and for opening convenient Avenues thereto;" and that in all Civil and Criminal Proceedings whatsoever relating to the said Bridge, and in all Disputes, Suits, or Litigations touching or in anywise relating to the Tolls hereby granted, no Person or Persons shall be incompetent to give Testimony or Evidence therein, by reason only of being a Trustee or Trustees, or Collectors of the Tolls, Clerks, Treasurers, Surveyors, or other Officers or Servants of, or other Persons employed by or under the said Trustees.

XXXV. And be it further enacted, That the said Trustees or any Seven or more of them shall and they are hereby required from Time to Time to apply such further Overplus as may remain of the said Consolidated Annuities, or Money so remaining in the Hands of the Treasurer as aforesaid, or of the Tolls hereby granted, or of the said Dividends and Interest or other Monies payable to the said Trustees, or to be raised by virtue of the said recited Acts and this Act, after Payment or Redemption of the said Annuities, or the Lives on which the same were granted have expired, and the said several Charges before specified, in the Investment of such further Overplus in the Three *per Cent.* Consolidated Annuities, or in such other Funds or Government Securities as the said Trustees or any Seven or more of them shall think proper, in the Names of Four of the said Trustees, to be chosen and appointed as occasion may require, in order to accumulate until by the Dividends thereof and such Investments as aforesaid, such Capital Stock a Sterling Sum shall be raised, as will produce a clear annual Income of One hundred and twenty-five Pounds *per Annum*; and when and so soon as such clear annual Sum shall be so raised and provided as aforesaid, the Capital or Stock shall thereupon be transferred by the Parties in whose Names the same shall then stand, to and in the Names of the High Sheriff of the County of *Worcester*, the Lord Lieutenant of the said County, the Lord Bishop of the Diocese of *Worcester*, and the Dean of *Worcester* for the Time being, in Trust and to the Intent that the Dividends, Interest, and Produce thereof (after the Deductions by this Act authorized), shall from Time to Time for ever thereafter go and be applied in and towards the necessary Repairs of the said Bridge and Wings, and of the Avenues and Passages thereof, and to such Improvements of the same respectively, as the said

Trustees to invest the further Surplus in the Funds to accumulate, till 125*l.* per Annum produced.

[*Local.*]

8 B

Trustees

Trustees or any Seven or more of them shall from Time to Time think proper to order and direct; and that such clear annual Income of One hundred and twenty-five Pounds, when raised, shall be in lieu of all Pontage or other Bridge Tolls belonging to the Corporation of the City of *Worcester*, or other Parties by whom the Repairs of the said Bridge shall or ought from Time to Time be made, maintained, and kept in Repair.

Directing when the Tolls shall cease.

XXXVI. And be it further enacted, That when and so soon as the said Annuities for Lives so remaining due as aforesaid shall be redeemed or otherwise discharged, or the Lives on which the same were granted shall have expired, and after all other Payments authorized by the said recited Acts and this Act shall have been made, and the said annual Sum of One hundred and twenty-five Pounds shall have been raised and provided, and the Capital or Stock transferred and invested as aforesaid, the said Tolls hereby granted shall cease and be no longer payable: Provided always, that the said Trustees or any Seven or more of them shall and they are hereby required to fix and declare the Day and Hour when the said Tolls shall so cease and determine, by an Order under their Hands to be affixed on the Toll Houses of the said Bridge, and published in one or both of the *Worcester* Newspapers.

Empowering Justices to direct when Tolls shall cease.

XXXVII. Provided always, and be it further enacted, That when it shall appear to the Justices that the Annuities for Lives now remaining due as herein-before mentioned, shall be redeemed or otherwise discharged, or the Lives on which the same are granted have expired, and that all other Payments authorized by the said recited Acts and this Act have been made, and the said annual Sum of One hundred and twenty-five Pounds shall have been raised, and the Capital or Stock transferred and invested as aforesaid, and that the said Trustees have neglected to discontinue the said Tolls, it shall be lawful for the said Justices to order and direct that the said Tolls hereby granted shall cease and be no longer payable, and from and after such Order and Direction made, such Tolls shall cease and be no longer payable.

Books of Accounts to be kept and produced annually to the Country Justices.

XXXVIII. And be it further enacted, That there shall from Time to Time be provided and kept by the said Treasurer or Treasurers One or more Book or Books, in which all Monies to be received by virtue of this Act shall from Time to Time be fairly set down and entered, expressing the Time when, and the Name of the Person or Persons from whom the same were so received; and that there shall also be provided and kept by the said Trustees one other Book or Books, in which all Sum and Sums of Money disbursed and laid out by them or by their Order for the Maintenance of the said Bridge and Wings, and the Avenues and Passages thereof, together with a Statement of the particular Repairs and Works done, and for which such Sums shall have been paid, and also a Statement of the Sums accumulated by Investments from Time to Time in the Three *per Centum* Consolidated Annuities, shall be duly set down and entered; and that every Year at the Quarter Sessions of the Peace held after the Feast of *Saint Michael* the Archangel, at *Worcester*, for the County of *Worcester*, the said Book or Books to be kept by the said Trustees, and the said Book or Books to be kept by the said Treasurer or Treasurers, shall be produced and shewn to the Justices at such Sessions, together with

with proper Vouchers for such Expences and Disbursements, which said Justices shall settle, audit, and balance the Accounts from the said Books; and if the said Trustees, or the said Treasurer or Treasurers, shall neglect or refuse to make and render such Accounts as aforesaid, then the said Trustees, or Treasurer or Treasurers, so offending, shall respectively forfeit and pay the Sum of One hundred Pounds, to any Person who shall sue for the same, to be recovered, together 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

XXXIX. And be it further enacted, That from and immediately after the said Tolls hereby granted shall cease and determine, the Toll Houses of and belonging to the said Bridge, with the Gardens, Land, and Appurtenances thereto belonging, and the Fee Simple thereof, shall be and are hereby vested in the Corporation of the Mayor, Aldermen, and Citizens of the City of *Worcester*, and their Successors for ever, and the Rents and Profits thereof shall be by them applied in and towards the Repairs of the said Bridge, any Statute of Mortmain, or other Law, Custom, or Usage to the contrary notwithstanding.

Toll Houses, &c. vested in the Corporation of *Worcester*.

XL. And whereas the Street called *Bridge Street* is a principal Entrance into the City, the Carriageway whereof, Forty Feet wide and One hundred and five Yards long, hath hitherto been repaired by the said Trustees; and it is expedient that some certain Provision should be made for the future Reparations thereof: And whereas Five several Ground Rents of Five Pounds each, reserved to the Trustees from Houses built on Surplus Land sold by them (from which the said Street was formed), would be a suitable Fund for such future Repairs; be it therefore enacted, That from and immediately after the said Tolls by this Act granted shall cease, the aforesaid Five several Ground Rents of Five Pounds each, amounting in the Aggregate to Twenty-five Pounds *per Annum*, shall be vested in and transferred to the said Corporation of the Mayor, Aldermen, and Citizens of *Worcester*, and their Successors for ever, and shall be by them received and applied from Time to Time in the necessary Repairs of the Carriageway of the said Street called *Bridge Street*, in the Width of Forty Feet, and to the Extent of One hundred and five Yards from the Eastern End of the said Bridge, and the said Mayor, Aldermen, and Citizens are hereby authorized and required so to apply the same.

Ground Rents to be applied in Reparation of Bridge.

XLI. Provided always, and be it further enacted, That previous to the Time when the said Tolls shall so cease and determine, it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to sell or contract for the Sale, by public Auction or otherwise, of the Toll Gates, Fences, and Materials then remaining vested in the said Trustees, such Sale or Sales respectively to take Effect from and after the Time that the said Tolls shall cease and determine as aforesaid; and the Monies to be produced by such Sale or Sales respectively, to be added to the other Monies to be received under and by virtue of the said recited Acts and this Act, and applied to the Purposes herein directed.

After the Tolls cease, Materials, &c. shall be sold.

XLII. And

A certain annual Payment by the Corporation of Worcester to be continued.

XLII. And whereas under the Provisions of the said first recited Act, the Corporation of the City of *Worcester* have contributed the annual Sum of Ten Pounds in aid of the Money raised for the Purposes of the said recited Acts, and are willing to continue such Payment for and during such Time only as the Tolls hereby granted shall continue to be paid; be it therefore enacted, That the Corporation of the said City of *Worcester* shall and they are hereby authorized and required, during such Time as the Tolls hereby granted shall continue to be collected and received for the Purposes of this Act, and no longer, to pay or cause to be paid to the Treasurer for the Time being of the said Trustees, the clear Sum of Ten Pounds, within One Month next after the Twenty-fourth Day of *June* in every Year during the Time aforesaid, the first Payment thereof to be made within One Month next after the Twenty-fourth Day of *June* One thousand eight hundred and twenty-four, which said annual Sum of Ten Pounds so to be paid as aforesaid, shall be applied and disposed of in aid of the Tolls by this Act granted, for the several Purposes thereof, and for no other Use or Purpose whatsoever.

Preserving the Rights of the Lord Bishop of Worcester, and Corporation of Worcester.

XLIII. And it is further enacted, That nothing in this Act contained shall prejudice or lessen the Rights or Privileges of the Lord Bishop of *Worcester* for the Time being, or any of his Servants or Tenants (otherwise than by the subjecting them to the Payment of the Tolls by this Act imposed), or tend or be construed to defeat or abridge the Mayor, Aldermen, and Citizens of the City of *Worcester* (being the Corporation of the said City), of any Tolls, Customs, or Duties which they are entitled unto by Charter, Prescription, or otherwise.

Provisions of former Acts extended to this Act.

XLIV. And be it further enacted, That all and every the Powers, Authorities, Provisions, Regulations, Privileges, Restrictions, Penalties, Forfeitures, Clauses, Remedies, Matters, and Things whatsoever contained in the said recited Acts or either of them (save and except such Parts thereof as are varied, altered, or repealed), shall extend and be construed to extend, operate, and remain in force, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act.

In case of Nonpayment of Compensation for Materials, &c. the same to be levied on the Goods of such Trustees or their Treasurer.

XLV. Provided always, and be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, 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 or Persons 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 Ten 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 of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, 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,

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 to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall receive in pursuance of this Act, all such Sums, Costs, Charges, and Expences as he shall pay or be put unto by virtue of any such Order or Orders as aforesaid.

XLVI. And be it further enacted, That all Penalties, Forfeitures, and Fines by the said recited Acts or this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed), shall, upon Proof of the Offence respectively before any Justice of the Peace for the County, City, Liberty, or Place where the Offence shall have been committed (as the Case may require), either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every Case hereby fully authorized to administer), 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 Justices (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 unto 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 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 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 Five 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 any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, City, Liberty, or Place where the Offender shall be or reside, there to remain without Bail or Mainprize for any Time not exceeding Six 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 the said recited Acts or this Act, shall be from Time to Time paid to the Treasurer or Treasurers to the said Trustees, and applied and disposed of for the Purposes of this Act.

Recovery of Penalties and Forfeitures.

If Penalties, &c. cannot be levied, the Offenders to be committed for any Time not exceeding Six Months.

[*Local.*]

8 C-D

XLVII. And

L. Provided always, and be it further enacted, That no Order, Verdict, Judgment, or other Proceedings made touching or concerning any Matter aforesaid, or touching the Conviction of any Offender against the said recited Acts or this Act, shall be quashed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of the said recited Acts or this 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 Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case; provided that no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity, if sufficient Tender of Amends has been made to him, her, or them, by or on behalf of the Defendant or Defendants, before such Action brought.

Proceedings
not to be
quashed for
want of
Form.

LI. And be it further enacted, That if any Action or Suit shall be brought or prosecuted against any Person or Persons for any thing done in pursuance of this Act, every such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and sued in the County or Place where the Cause of Complaint shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the said Plaintiff or Plaintiffs shall be nonsuited, or suffer a Discontinuance of his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

Limitation
of Actions.

General
Issue.

Treble Costs.

LII. And be it further enacted, That this Act shall commence and take place upon the First Day of *October* next after the passing thereof.

Commence-
ment of the
Act.

LIII. And be it further enacted, That this Act shall be adjudged 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.

