



ANNO SEXTO

GEORGII IV. REGIS.

Cap. Ix.

An Act for building a Bridge over the River *Wye*, at a Place called *The Kerne*, in the County of *Hereford*, and for making convenient Roads, Avenues, and Approaches thereto. [20th May 1825.]

WHEREAS the building and maintaining of a Bridge over the River *Wye*, at or near a Place called *The Kerne*, in the Parish of *Walford* in the County of *Hereford*, to the opposite Side or Bank of the said River, in the Parish of *Goodrich* in the same County, and the opening, making, and maintaining of convenient Roads, Avenues, and Approaches to communicate therewith, will be of great Advantage and Accommodation to the Proprietors and Occupiers of Lands in the Neighbourhood of the said Bridge, and to the Inhabitants of the several adjacent Parishes, extending over a large and populous Tract of Country on the *Herefordshire* Side of the said River, and will facilitate the Communication between those Parishes and His Majesty's Forest of *Dean*, and the Towns and Places in and near thereto, and with the River *Severn*, and will in many other Respects be of great public Utility: And whereas the making and maintaining of a Road or Highway from or from near the Village of *Croose*, in the said Parish of *Goodrich*, to or near a Place called *Old Forge*, in the same Parish, and the altering, varying, diverting, and widening the present Parish Road leading from the said Village of *Croose*, by or near to *Hunsome Ferry*, to the said Place called *Old Forge*, will also be of great public Utility; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it there-

[Local.]

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fore

Proprietors
incorporated.

fore 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 *John Allen, Thomas Bennett, Richard Blackmore, John Harpur, Richard Harrison, William Lewis, Richard Morgan, William Morgan, John Partridge, James Pearce, Joseph Robins the younger, George Robins, Thomas Robins, Henry Rosser, James Russel, William Tombs, Thomas Tovey, John Trotter*, the Reverend *James Endell Tyler, William Vaughan, and James Ward*, together with such other Person or Persons, Body or Bodies Politic or Corporate, as shall at any Time hereafter be possessed of One or more Share or Shares as herein-after mentioned of and in the said Bridge and Roads, their respective Successors, Executors, Administrators, and Assigns, shall be and are hereby united into a Company for the erecting, making, completing, and maintaining the said Bridge, and for the making and maintaining the Roads, Avenues, and Approaches communicating therewith, according to the Rules, Orders, and Directions herein-after expressed, and shall for that Purpose be and become one Body Corporate, by the Name of *The Kerne Bridge Company*, and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to purchase Lands and other Hereditaments, to them, their Successors and Assigns, for making, erecting, forming, completing, and maintaining the said Bridge, Roads, Avenues, and Approaches, and other the Purposes herein mentioned, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

Power to
build Bridge
and make
Roads.

II. And be it further enacted, That it shall be lawful for the said Company and their Successors, or their Committee of Management, to be hereafter appointed, and they are hereby authorized, by themselves, their Deputies, Agents, Officers, Workmen, Servants, or Assistants, to design and build, or cause to be built, and to complete, maintain, and keep in Repair, a good and substantial Bridge, with Abutments, made of Stone, Iron, Brick, or other durable Materials, at or near the said Place called *The Kerne*, over the said River *Wye*, from the Side or Bank of the said River in the Parish of *Walford* in the said County of *Hereford*, to the opposite Side or Bank of the said River in the Parish of *Goodrich* in the same County; and for the Purposes aforesaid from Time to Time to dig and make proper Foundations in the said River, and on the Lands on each Side thereof, and make Dams in the said River, and cut and level and embank and secure the Banks thereof, and cut, remove, scour, take, and carry away all Trees, Roots of Trees, Beds of Gravel, Sand, Mud, or any other Impediment whatsoever, and do and execute all and every other Things or Thing necessary or convenient for building, maintaining, and repairing the said Bridge, and to open, make, and maintain proper and convenient Roads, Avenues, and Approaches to communicate with the said Bridge on each Side of the said River; (that is to say), a Road, Avenue, or Approach to the said Bridge, from the Turnpike Road leading from the Town of *Ross* in the said County of *Hereford*, by or near the said Place called *The Kerne*, to the Village of *Lidbrook* in the County of *Gloucester*; and another Road, Avenue, or Approach to the said Bridge, from a certain Road or Highway leading through the Village of *Croose*, in the said Parish of *Goodrich*, to a Place called *Courtfield*, in the Parish of *Welsh Bicknor* in the County of *Monmouth*; and also a Road or Highway from

from or from near the said Village of *Croose*, to or near the said Place called *Old Forge* in the said Parish of *Goodrich*; and for that Purpose to alter, vary, divert, widen, maintain, and put into Repair the present Road leading from the said Village of *Croose*, by or near to *Hunsome Ferry*, to the said Place called *Old Forge*, or such Part or Parts thereof as the said Company or their Committee of Management shall think fit or expedient, for the Passage of Travellers, Cattle, and Carriages, doing as little Damage as may be, and making Satisfaction as herein-after mentioned to the respective Owners and Occupiers of all Lands, Tenements, and Hereditaments, which shall be damaged, taken, or used for the Purposes of this Act.

III. And be it further enacted, That there shall not be more than Three Arches or Openings to the said Bridge, except Land Arches, between the Abutments of the said Bridge, One Arch or Opening whereof shall be Fifty Feet wide at the least; and the Crown of the said Arch shall not be less than Thirty-two Feet high above the Bed of the said River; and all the said Arches collectively, exclusive of the said Piers and Abutments, shall not be less than One hundred and twenty-five Feet wide; and the Way for Passengers, Carriages, and Cattle over the said Bridge shall not be less than Twenty Feet wide between the Rails, Ballustrades, or Walls; and the Ascent to such Bridge shall not exceed One Foot in Thirteen Feet.

Construction of Bridge.

IV. And be it further enacted, That it shall be lawful for the said Company from Time to Time to bring, place, land, work, and use any Timber, Stone, Iron, Brick, Lime, or other Materials for building and making, or rebuilding or repairing the said Bridge, and the Roads, Avenues, and Approaches communicating therewith, or for executing any other of the Purposes of this Act, in, upon, through, and over any Common or Waste Ground within Five hundred Yards of the said Bridge, and also in, upon, through, and over any private Lands or Grounds within One hundred Yards of the said Bridge, (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees), without any previous Agreement with the Owner or Owners of the Lands or Grounds on which such Materials shall be placed, landed, worked, or used, or the Tenant or Tenants thereof, doing as little Damage as may be, and making Satisfaction in manner herein-after directed to the respective Owners and Occupiers of all Lands or Grounds which shall be damaged, taken, or used as aforesaid.

Power to place Materials on any Waste Grounds within 500 Yards of the Bridge, and on any private Lands within 100 Yards.

V. And be it further enacted, That it shall be lawful for the said Company and their Agents, Officers, Surveyors, Workmen, Servants, and Assistants, to enter and go into, upon, over, or through any Lands, Grounds, or other Places, through which or whereupon the said Roads, Avenues, or Approaches are intended to pass, and into, upon, over or through any adjoining Lands or Grounds, to examine and survey the same, and to ascertain and set out such Parts thereof as may be thought necessary or convenient for carrying into Execution the Purposes of this Act; and also from Time to Time to construct and make all necessary Walls, Arches, Culverts, Ditches, Drains, and Fences, and to do and perform all other Matters and Things which shall be necessary or proper

Power to set out the Roads, &c.

proper for the making, completing, amending, and maintaining the said Roads, Avenues, and Approaches, doing as little Damage as may be, and making full Satisfaction, in manner herein-after directed, to the respective Owners and Occupiers of all Lands or Grounds which shall be taken, used, prejudiced, or damaged in the Execution of the Powers hereby granted.

Plan, &c. deposited at the Office of the Clerk of the Peace.

VI. And whereas a Map or Plan, describing the Line or Lines of the said intended Roads, Avenues, and Approaches, and the Lands and Premises through which the same are to be made or carried, and the Situation of the said Bridge, together with a List of the Names of the Owners and Occupiers of such Lands and Premises, hath been deposited at the Office of the Clerk of the Peace for the said County of *Hereford*; be it therefore enacted, That the said Map or Plan and List shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at any reasonable Time have liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace for the Time being a reasonable Compensation for making such Copies or Extracts; and the said Company in building the said Bridge, and in making the said Roads, Avenues, or Approaches to communicate therewith, shall not deviate more than One hundred Yards from the Situation or Lines described in the said Map or Plan.

Company to make the Roads conformably to such Plan, &c. notwithstanding Errors.

VII. Provided always, and be it further enacted, That it shall be lawful for the said Company to set out and make the said Roads, Avenues, and Approaches into, through, across, under, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be Owner or Owners, or Occupier or Occupiers of Lands and Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, although such Lands or Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or mis-stated in the said Map or Plan or List, in case it shall appear to any Two or more Justices of the Peace for the said County of *Hereford*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Houses, &c. not to be injured.

VIII. Provided also, and be it further enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Company, in making the said Roads, Avenues or Approaches, to take or pull down, injure or damage any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained (except such as are comprized and described in the Schedule to this Act annexed).

If Company do not contract for Premises within Three Years, Power to cease.

IX. And be it further enacted, That if the said Company shall not, within the Space of Three Years, to be computed from the passing of this Act, agree for, or cause to be valued and paid for, as herein-after mentioned, the Houses, Buildings, Lands, Tenements, and Hereditaments, which they are hereby empowered to purchase as aforesaid, or so much thereof

thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth those Powers which are hereby granted to them for such Purpose only shall cease, determine, and be utterly void.

X. And be it further enacted, That it shall be lawful for the said Company to raise and contribute among themselves, and in such Proportions as to them shall seem meet and convenient, any Sum or Sums of Money for building the said Bridge, and other the Purposes aforesaid, not exceeding in the whole the Sum of Six thousand Pounds.

Company may raise among themselves a Sum not exceeding 6,000*l*.

XI. And whereas the probable Expences of building the said Bridge, and of making the Roads, Avenues, and Approaches thereto, will, according to an Estimate thereof made, amount to the Sum of Six thousand Pounds, and the Sum of Four thousand nine hundred Pounds (being more than Four-fifth Parts of such Expences) has already been subscribed for defraying such Expences 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 Six thousand Pounds shall be subscribed in like Manner, before any of the Powers and Provisions given by this Act shall be put in force.

The whole Estimate to be subscribed before proceeding with the Act.

XII. And be it further enacted, That the said Sum of Six thousand Pounds shall be divided into Shares of Fifty Pounds each, which shall be numbered in regular numerical Progression, and every Share shall for ever afterwards be distinguished by the Number to be appointed for the same; and every Proprietor of a Share or Shares shall be entitled to and interested in the Capital Stock of the said Company, and of the Profits and Advantages that may arise and accrue by the Tolls and other Monies to be collected and received by virtue of this Act, in manner herein-after mentioned.

Principal Money to be divided into 120 Shares.

XIII. And be it further enacted, That all such Shares in the said Undertaking, and in the net Profits and Advantages thereof, shall be deemed Personal Estate, and not of the Nature of Real Property, and as such Personal Estate shall be transmissible accordingly.

Shares to be deemed Personal Estate.

XIV. And be it enacted, That the respective Persons who have subscribed, or who shall hereafter subscribe or advance any Money for and towards the Purposes of this Act, or shall be Owner or Owners, Proprietor or Proprietors, of any Share or Shares in the said Bridge and Roads, shall, and he, she, and they is and are hereby required to pay the Sum or Sums by them respectively subscribed, or such Parts and Proportions thereof as shall from Time to Time be called for by the Committee of Management of the said Company, by virtue of and agreeable to the Powers and Directions of this Act, at such Times and Places, and in such Manner as shall be directed by the said Committee; and in case any such Subscriber or Subscribers shall neglect or refuse to pay the same at the Time, Place, or Manner so required for that Purpose, the said Company are hereby empowered to sue for and recover the same in any of His Majesty's Courts of Law or Equity whatever.

Subscribers to pay their Subscriptions on Calls by the Committee of Management, and on failure may be sued.

[Local.]

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XV. And

Names of Proprietors, and Numbers of their Shares, to be entered in a Book, and Certificates of the Number delivered to them.

XV. And be it further enacted, That the said Company shall and they are hereby required, at their first or at some subsequent General Meeting, as soon as conveniently may be, to cause the Names and proper Additions of the several Persons who shall be then entitled to any Share or Shares in the said Bridge and Roads, with the Number of Shares which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book or Books to be kept by the Clerk of the said Company, and after such Entry made, to cause their Common Seal to be affixed thereto, and shall also cause a Certificate or Instrument, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber upon Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Bridge and Roads, or a Certificate for each separate and distinct Share, in case any Proprietor of more than One Share shall request the same; and such Certificate or Instrument shall be admitted in all Courts whatever as Evidence of the Title of such Subscriber, his, her, or their Executors, Administrators, and Assigns, to the Share or Shares therein specified, but the Want of such Certificate or Instrument shall not hinder or prevent the Owner or Proprietor of any Share or Shares from selling or disposing thereof; and in case any such Certificate or Instrument shall become defaced, worn out, or damaged, or shall be ascertained to have been lost or destroyed, then and in such Case another Certificate shall be made out and entered by the Clerk as aforesaid.

Shares may be sold.

XVI. And be it further enacted, That it shall be lawful for the said several Proprietors, his, her, or their respective Executors, Administrators, and Assigns, to sell or dispose of any Share or Shares he, she, or they shall and may be entitled to in the said Bridge and Roads, subject to the Rules and Conditions herein mentioned; and every Conveyance or Transfer of the said Shares shall or may be in the Form or to the Effect following; (that is to say),

Form of Transfer of Shares.

I *A. B.*, in consideration of the Sum of _____ paid to me by *C. D.*, do hereby bargain, sell, and transfer to the said *C. D.*, his [her or their] Executors, Administrators, and Assigns, all that my Share [or those my Shares, *as the Case may require*] numbered _____ of and in the Bridge over the River *Wye* called *The Kerne Bridge*, and the Roads and Approaches thereto; to hold to the said his [her or their] Executors, Administrators, and Assigns, subject to the same Rules and Orders, and on the same Conditions that I now hold the same; and I the said *C. D.* do accept the said Share or Shares, subject to the same Rules, Orders, and Conditions. Witness our Hands and Seals, the _____ Day of _____

Transfer to be registered.

And every such Transfer shall be produced to the Clerk of the said Company, and shall be registered by him in the Books of the said Company, for which the Sum of Two Shillings and Sixpence shall be paid by the Person so requiring such Transfer to such Clerk, and no more; and the Registry thereof shall specify the Date of such Transfer, the Names of the Parties, and the Number or Numbers by which the Share or Shares transferred is or are distinguished; and a Copy of such Register, signed by the said Clerk, shall be sufficient Evidence of such Transfer, and be received and admitted as such; and until such Transfer shall

shall be registered in the Books of the said Company, no Purchaser or Purchasers of any Share, or his, her, or their Executors, Administrators, or Assigns, shall be deemed a Proprietor, or have any Part of the Profit or Advantages arising from the said Bridge and Roads, nor shall receive any Interest or Dividends for or in respect of such Share or Shares so purchased, nor be entitled to any Vote at any Meeting or Meetings, as a Member or Members of the said Company, in respect of such Share or Shares, until the Expiration of Three Calendar Months after such Transfer shall have been registered.

XVII. And be it further enacted, That after any Call of such Monies shall be made by Authority of this Act, no Person or Persons shall sell or transfer his, her, or their Share or Shares in the said Bridge and Roads, until the Monies so called for upon his, her, or their respective Share or Shares so to be sold shall be paid; and until such Money so called for shall be paid, every such Sale or Transfer of any Share or Shares shall be void; and all and every Person and Persons making Default herein shall be subject and liable to forfeit such his, her, or their respective Share or Shares of the said Bridge and Roads to the said Company, in trust, for the Benefit of all the other Proprietors, unless the Purchaser or Purchasers shall, at the Time of such Transfer, pay the Money so called for upon such Share or Shares so transferred, to the Treasurer of the said Company; such Forfeiture nevertheless to be notified and declared at a General Meeting, in manner herein-after directed with respect to other Forfeitures of Shares.

No Share to be sold after a Call, till the Money is paid.

For ascer-
taining the
Proprietors
of Shares in
certain Cases.

XVIII. And whereas in Cases where the original Subscriber, or Subscribers of One or more Share or Shares in the said Bridge and Roads shall marry, die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his or her Right and Interest to some other Person, and no Register shall have been made of the Transfer thereof with the said Clerk, as directed by this Act, it may not be in the Power of the said Company, or their Treasurer or Clerk, to know who is the Owner or Proprietor of such Share or Shares; be it therefore enacted, That in all Cases where the Right and Property in One or more Share or Shares in the said Bridge and Roads shall pass from the original Proprietor thereof to any other Person or Persons by any other legal Means than by a Transfer or Conveyance thereof as herein directed, an Affidavit shall be made and sworn to by One or more credible Person or Persons, before a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns; and such Affidavit shall be transmitted to the Clerk of the said Company, to the Intent that he may and he is hereby required to enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors in the said Bridge and Roads.

For ascer-
taining the
Proprietors
of Shares in
certain Cases.

XIX. Provided always, and be it further enacted, That in case the said Sum of Six thousand Pounds herein-before authorized to be raised, shall be found insufficient for building and completing the said Bridge, Roads, Avenues, and Approaches, and other the Works and Purposes hereby authorized to be done, and if the said Company shall be desirous of raising

Power to
raise 2,000l.
by Mortgage.

raising a further Sum of Two thousand Pounds, or any Part thereof, by Mortgage of the said Bridge and Roads, and the Tolls arising therefrom, and shall make an Order or enter into a Resolution to that Effect at a Special Meeting of the said Company for that Purpose to be called by them, and of which Meeting Thirty Days previous Notice shall be given, by public Advertisement to be inserted in some Newspaper printed or circulated in the said County of *Hereford*, or in such other Manner as the said Company shall at any General or Special Assembly or Meeting direct, then and in such Case it shall be lawful for the said Company, pursuant to such Order or Resolution, to borrow and take up at Interest the said Sum of Two thousand Pounds, or any Part thereof, upon the Credit or by way of Mortgage of the said Bridge and Roads, and the Tolls arising therefrom, as to them shall seem meet and convenient; and the said Company are hereby accordingly fully authorized and empowered, under their Common Seal, to grant, assign, and make over by way of Mortgage the said Bridge and Roads, and the Tolls arising therefrom, or any Part thereof (the Costs and Charges of which Assignment shall be paid out of such Tolls, Rates, and Duties), as a Security for the Sum or Sums of Money so to be borrowed, with Interest for the same, unto the Person or Persons who shall lend and advance such Sum or Sums of Money, or unto his, her, or their Trustee or Trustees; all which Assignments or Mortgages shall be made in the Form or to the Effect following; (that is to say),

Form of Assignment.

‘ BY virtue of an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act,*] we, the *Kerne* Bridge Company, incorporated by virtue of the said Act, in consideration of the Sum of _____ to us lent and advanced by *A. B.* of _____ do hereby bargain, sell, and assign unto the said *A. B.*, his or her Executors, Administrators, and Assigns, the said Bridge and Roads, with their Appurtenances, and all and singular the Tolls granted or arising and payable to us by virtue of the said Act, and all our Estate, Right, Title, and Interest of, in, to, or out of the same respectively, to hold unto the said *A. B.*, his or her Executors, Administrators, and Assigns, until the said Sum of _____ together with Interest for the same after the Rate of _____ *per Centum per Annum*, shall be fully paid and satisfied. Given under our Common Seal, this _____ Day of _____

And all Persons to whom such Mortgages shall be made shall be equally entitled, one with the other, to the said Tolls and Premises thereby assigned, according and in proportion to the Sums by them respectively lent and advanced on the Credit thereof as aforesaid, without any Preference by reason of Priority of any such Mortgage or Assignment, or on any other Account whatsoever.

Entries to be made of Mortgages.

XX. And be it further enacted, That an Entry or Memorial of every such Mortgage as aforesaid, containing the Date thereof, the Name or Names and Addition of the Party or Parties to whom the same shall be made, and the Sum thereby secured, with the Rate of Interest to be paid for the same, shall be made or entered in a Book to be kept for that Purpose by the Clerk to the said Company for the Time being, and such Book shall and may be perused *gratis*, at all seasonable Times, by any of _____ of _____

of the Proprietors or Creditors of the said Bridge and Roads; and all and every Person and Persons to whom any such Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall and may from Time to Time assign, transfer, and make over his, her, or their Right, Title, and Interest therein unto any Person or Persons whomsoever, either by Endorsement thereon or otherwise, which Transfer shall and may be made by a Deed in Writing in the Form or to the Effect following; (that is to say),

I *A. B.* [*or we, C. and D.*] in consideration of the Sum of Pounds to me [*or us*] paid by *E. F.* of do hereby transfer the within Mortgage [*or a certain Mortgage made to me, or us, by the Kerne Bridge Company, bearing Date the* Day of] and the Principal Sum of Pounds thereby secured, and the Interest now due and hereafter to grow due for the same, and all my [*or our*] Right and Property therein, unto the said *E. F.*, his Executors, Administrators, and Assigns. Witness my Hand and Seal [*or our Hands and Seals*] this Day of

Form of Transfer.

And every such Transfer shall, within Thirty Days from the Date thereof, be produced to the Clerk to the said Company, who shall thereupon cause an Entry or Memorial thereof, in like Manner as is herein-before directed with respect to the original Mortgage, to be made or entered in the Book to be kept for entering the Memorials of such original Mortgages; and after such Entry shall be made, but not before, such Transfer shall entitle the Assignee or Assignees therein named, and his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage; and for the Entry of every such Security or Transfer, the Clerk to the said Company shall be paid by the Party to whom the same shall be made, the Sum of Two Shillings and Sixpence and no more.

Entries to be made in the Company's Books.

XXI. Provided always, and be it further enacted, That the Interest of the Money which shall be raised by Mortgage as aforesaid (if any), shall be paid Half-yearly to the Persons entitled thereto, in Preference to any Dividend or Distribution of Profits to the Proprietors of the said Bridge and Roads, or any of them, and shall from Time to Time be fully paid and discharged or provided for, before any such Dividend shall be made or declared: Provided always, that no Person or Persons to whom any such Mortgage or Security shall be made or transferred as aforesaid, shall be deemed a Proprietor or Proprietors in the said Bridge and Roads, or be capable of acting or voting as such for or on account of his, her, or their having paid, advanced, or lent any Money on the Credit of the said Bridge and Roads, or the Tolls thereof, as aforesaid.

Interest of Money borrowed to be paid Half-yearly.

Mortgagees not to be considered as Proprietors of the Company.

XXII. And be it further enacted, That all and every the Sum and Sums of Money to be subscribed and raised as aforesaid, shall be applied, in the first Place, in discharging all the Costs, Charges, and Expences attending the applying for, obtaining, and passing this Act, and the Surveys, Plans, and Estimates, and other incidental Expences relating thereto, and then in or towards the making and completing the said Bridge, and the said Roads, Avenues, or Approaches thereto, and other Works by this Act directed to be made, and paying the Purchase Money for the Lands and Hereditaments herein-after authorized to be purchased, and otherwise for the Purposes of this Act.

Money raised to be applied in building the Bridge, and the Purposes of the Act.

[Local.]

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XXIII. And

Committee
of Manage-
ment ap-
pointed.

XXIII. And be it further enacted, That for the better managing and conducting the Affairs of the said Company, there shall be a Committee of Management consisting of Five Proprietors, and that *Richard Blakemore, John Partridge, James Pearce, Thomas Tovey, and William Vaughan*, shall be the First Committee of Management, and shall continue in Office until the Annual General Meeting to be held in the Year One thousand eight hundred and twenty-six, or some Adjournment thereof, and until others shall be chosen in their Stead, unless any Member of the said Committee of Management shall die or be removed, or shall cease to be entitled to Two Shares in the said Undertaking.

Meetings of
the Com-
mittee.

XXIV. And be it further enacted, That the Committee of Management of the said Company shall meet at the House of *John Gritton*, known by the Name of *The Cross Keys*, in the Parish of *Goodrich* aforesaid, or at some other convenient House or Place, on the First *Monday in June* next after the passing of this Act, for the Purpose of putting this Act into Execution, and shall afterwards meet constantly Once in every Three Months (or oftener, if the said Committee shall find it necessary), at a Day, Hour, and Place to be by them for that Purpose appointed, until the said Bridge and Roads shall be completed, and as often afterwards, at such Place, to be by them appointed (not being at a greater Distance than Five Miles from the said Bridge), after Seven Days Notice given thereof by the Clerk to the said Company, as Occasion shall require.

Committee to
appoint a
Chairman.

XXV. And be it further enacted, That the Committee of Management for the Time being of the said Company shall, at every Meeting to be holden by them during the Continuance of their said Office, appoint a Chairman from and out of the Members then present; and no Member shall have more than One Vote upon any Question that may be agitated at the said Meeting, except in case of an Equality of Votes, and in that Case the Chairman shall have the decisive or casting Vote, although he might have given One Vote before.

Committee
empowered
to make
Calls.

XXVI. And be it further enacted, That the Committee of Management for the Time being of the said Company shall have Power from Time to Time to make such Call or Calls for Money from the Subscribers to or Proprietors of the said Bridge and Roads, their Executors, Administrators, Successors, and Assigns, as they shall from Time to Time find necessary for the Purposes of this Act, so that the First Call by virtue of this Act shall not exceed the Sum of Ten Pounds for every Share to be subscribed, and every succeeding Call not to exceed the Sum of Ten Pounds *per Centum* for every such Subscription, and so as no Calls be made but at the Distance of One Calendar Month from each other, which Money so called for shall be paid into the Hands of the Treasurer to the said Company for the Time being; and every Owner or Owners, Proprietor or Proprietors of One or more Share or Shares in the said Bridge and Roads, shall pay his, her, or their Share or Shares and Proportion or Proportions of the Monies to be called for as aforesaid, at such Time and Place as shall be appointed by the said Committee, of which Time and Place Fourteen Days Notice shall be given, by Advertisement to be inserted in some One Newspaper printed or circulated in the said County of *Hereford*, or in such other Manner as the said Company of Proprietors shall, at any

Special or General Meeting, direct; and the Clerk of the said Company shall also give Notice, by Letter directed to each Subscriber or Proprietor, at his, her, or their usual Place of Abode, of each Call, and of the Name and Place of Abode of the Treasurer to whom such Payments are to be made.

XXVII. And be it further enacted, That if any Person or Persons, Subscriber or Subscribers, Proprietor or Proprietors of any Share or Shares in the said Bridge and Roads, his, her, or their Executors, Administrators, Successors, or Assigns, shall refuse or neglect to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for by the First or any other Call to be made by virtue of this Act, at the Time and Place so to be appointed as aforesaid, or within Thirty Days next ensuing, then and in every such Case he, she, or they so refusing or neglecting shall (whether or not the same shall then have been sued for in any Court of Law or Equity) absolutely forfeit his, her, and their respective Share and Shares and Interests in the said Bridge and Roads, and all the Profits and Benefits thereof, and all Money theretofore advanced by him, her, or them on account thereof, to and for the Use and Benefit of the said Company, unless otherwise determined by a Special or General Meeting of the said Company; and all which Shares so forfeited shall be publicly sold, and the Money arising therefrom applied in manner by this Act directed: Provided nevertheless, that no Advantage shall be taken of such Forfeiture of any Share or Shares in the said Bridge and Roads as aforesaid, until after Fourteen Days Notice in Writing, signed by the Chairman of the said Committee of Management, shall have been given to the Owner or Owners thereof, or left at his, her, or their usual or last Place of Abode; and every such Forfeiture so to be declared shall be an absolute Indemnification and Discharge to and for the Subscriber and Subscribers, Proprietor or Proprietors, or their Executors, Administrators, Successors, or Assigns, so forfeiting, against all Actions, Suits, and Prosecutions for or on account of not paying up such Calls.

On Neglect to pay Calls, Shares to be forfeited.

XXVIII. Provided always, and be it further enacted, That in case the Money produced by the Sale of any Share or Shares shall be more than sufficient to pay all such Arrears of Call as aforesaid, and lawful Interest thereon, with the Expences attending such Sale or Sales, the Surplus of such Money shall be paid on Demand to the Person or Persons to whom such Share or Shares shall have belonged; but the said Company shall not sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be, at the Time of such Call, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls; and the Interest and Expences attending the same; and from and after the Payment of all such Calls, and the Interest and Expences as aforesaid, any Share or Shares so vested in such Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid; in such Manner as if such Calls had been duly and regularly paid.

If the Purchase Money for Shares shall be more than sufficient to pay the Arrears of Calls, and Interest and Expences thereon, the Surplus to be paid to the Owner on Demand.

XXIX. And

Directing the
Proceedings
in Actions for
Calls.

XXIX. And be it further enacted, That in all Actions brought by the said Company of Proprietors against any Person or Persons who hath or have subscribed, or who shall hereafter subscribe or advance any Money for and towards the Purposes of this Act, or against any Owner or Owners, Proprietor or Proprietors, of any Share or Shares in the said Bridge and Roads, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being an Owner or Owners, Proprietor or Proprietors, of so many Share or Shares in the said Bridge and Roads, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, for such and so many Call or Calls, of such and so many Sum or Sums of Money, upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were an Owner or Owners, Proprietor or Proprietors, of some Share or Shares in the said Bridge and Roads, and that such Call or Calls was or were in fact made, and that such Notice was given thereof as is directed by this Act, and the said Company shall thereupon be entitled to recover what shall appear to be due, unless it shall appear that the First Call to be made by virtue of this Act did exceed the Sum of Ten Pounds on every Share so subscribed, or that any succeeding Call exceeded the Sum of Ten Pounds for every One hundred Pounds, or was made within the Distance of One Calendar Month from the last preceding Call, or without Notice given as aforesaid.

General
Powers of
Committee
of Manage-
ment.

XXX. And be it further enacted, That (subject nevertheless at all Times to the Rules, Orders, and Directions of the General Meetings of the said Company) the Committee of Management for the Time being of the said Company, or any Three of them, shall contract and agree for the Purchase of the Lands and Hereditaments and Materials to be taken or used for the Purposes of this Act, and make Agreements and Contracts with the Workmen, Agents, Undertakers, and other Persons employed or concerned in or about the Works hereby authorized to be made, and have full Power and Authority to direct and manage all the Affairs of the said Company: Provided always, that no Resolution shall be taken, or Business done at any Meeting of the said Committee, unless Three at the least of the Members of such Committee be present.

Committee to
make Reports
of their Pro-
ceedings.

XXXI. And be it further enacted, That such Committee shall from Time to Time make Reports of their Proceedings to and be subject to the Examination and Controul of the General or Special Meetings of the said Company to be hereafter appointed, and shall pay due Obedience to all such Orders and Directions in and about the Premises, as shall from Time to Time be made by the said Company at any of their General or Special Meetings, such Orders and Directions not being contrary to the Laws and Statutes of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, nor to any of the express Directions or Provisions in this Act contained.

XXXII. And

XXXII. And be it further enacted, That the First General Meeting or Assembly of the Proprietors of the said Bridge and Roads, for putting this Act into Execution, shall be held at such Place as the said Committee of Management shall direct, within Five Miles of the said Bridge, upon the First Monday in August next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten and Two of the Clock; and all future General Meetings or Assemblies of the Proprietors of the said Bridge and Roads, except such Special General Meetings or Assemblies as herein-after mentioned, shall be held on the First Monday in the Month of August in each and every Year, between the Hours of Ten and Two of the Clock, at such Place or Places as the Committee of Management for the Time being may direct, of which future General Meetings or Assemblies Fourteen Days previous Notice at least shall be given by public Advertisement, to be inserted in some One Newspaper printed or circulated in the said County of Hereford, or in such other Manner as the said Company, at their respective General Meetings or Assemblies, shall direct; and in case no Place or Places shall have been so appointed, then where the last General Meeting or Assembly was holden; and at such General Meetings or Assemblies it shall be the Duty of the Committee of Management of the said Company to report to the Proprietors at large the State of the said Bridge and Roads, and their Proceedings in carrying this Act into Execution, which Report shall be fairly entered into the Book or Books of the Company, kept for that Purpose by the Clerk, and a Copy of the same shall be left at the Clerk's Office for the Perusal of the Proprietors, who shall have Access thereto at all reasonable Times.

First General Meeting or Assembly of the Company.

to be read
to the
solidarity

XXXIII. And be it further enacted, That every Person possessed of One or more Share or Shares in the said Bridge and Roads, shall have One Vote for every Share he or she is possessed of in the said Bridge and Roads to the Number of Eight Shares, and also One additional Vote for every Five Shares he or she may possess in the said Bridge and Roads above the said first Number of Eight Shares, and no more, in every General or Special Meeting or Assembly of the said Company.

Subscribers to have Votes according to the Number of their Shares.

to be read
to the
solidarity

XXXIV. And be it further enacted, That in case any Proprietor or Proprietors entitled to vote at any General or Special Meeting or Assembly of the said Company, shall be a Lunatic or Lunatics, or a Minor or Minors, such Lunatic or Lunatics shall or may vote at such Meeting or Assembly by his, her, or their Committee, or any One of such Committee, and such Minor or Minors shall or may vote by his, her, or their Guardian, or any One of such Guardians.

Lunatics and Minors how to vote.

XXXV. And be it further enacted, That every Proprietor entitled to vote at any such General or Special Meeting or Assembly of the said Company, may give his, her, or their Vote or Votes either in Person or by his, her, or their Proxy or Proxies, appointed by Writing or Writings under his, her, or their Hand and Seal or Hands and Seals, and in case of Infancy or Lunacy, then under the Hand and Seal or Hands and Seals of his, her, or their Guardian or Guardians, or of his, her, or their Committee or Committees; and which Appointment may be in the Form or to the Effect following; (that is to say);

Power to vote by Proxy.

to be read
to the
solidarity

Form of the Appointment of Proxies.

I A. B. of _____ One of the Company of Proprietors of the Kerne Bridge, do hereby nominate, constitute, and appoint C. D. of _____ to be my Proxy, in my Name and in my Absence to vote and give my Assent to or Dissent from any Business, Matter, or Thing relating to the said Bridge and Roads, which shall be mentioned or proposed at any Meeting or Assembly of the said Company, or any Adjournment thereof, in such Manner as the said C. D. shall think proper, according to his Opinion and Judgment, for the Benefit of the said Bridge and Roads, or any thing appertaining thereto. In witness whereof I have hereunto set my Hand and Seal, the Day of _____

And every such Proxy shall be entitled to give as many Votes for and on behalf of the Principal, as such Principal could give in Person; and every Question, Matter, or Thing, which shall be proposed, discussed, or considered in any public Meeting to be held in pursuance of this Act, shall be finally determined by the Majority of Votes then given; and the Chairman at every such Meeting, in case of a Division of equal Numbers, shall have the casting Vote, although he shall have voted before; provided that no Person shall vote as Proxy unless he be a Proprietor.

Power to General Meetings or Assemblies.

XXXVI. And be it further enacted, That the said Company shall have Power and Authority, at any General or Special General Meeting or Assembly convened for that Purpose, to remove and displace any Member or Members of the Committee of Management nominated and appointed by virtue of this Act, and thereupon to elect any other Person or Persons in his or their Room or Stead, or in the Room or Stead of any other Member of the said Committee who may die or be removed, or be disqualified, or cease to be a Proprietor in the said Bridge and Roads; and it shall be lawful for the said Company, at any General or Special General Meeting or Assembly convened for that Purpose, to order and dispose of the Custody of their Common Seal, and the Use and Application thereof.

General Meetings to examine and audit Accounts.

XXXVII. And be it further enacted, That all Accounts of Money received, laid out, and disbursed on account of the said Bridge and Roads, or on any of the Works thereunto belonging, by the Treasurer, Receivers, Collectors, Clerk, and other Officers by them appointed, or by any other Person or Persons whomsoever employed by or concerned for or under them in or about the said Bridge and Roads or the Works thereunto belonging, shall be laid before the said General or Special General Meeting or Assembly to be audited and settled; and the said Company shall have Power to adjourn themselves from Time to Time, to such Place or Places (within the Distance of Five Miles from the said Bridge) as shall at such General or Special General Assembly be thought proper and convenient.

Appointment of Committee of Management by the Proprietors.

XXXVIII. And be it further enacted, That the said Company shall at their General Meeting or Assembly to be holden on the First Monday in the Month of August One thousand eight hundred and twenty-six, or some Adjournment thereof, elect Five Members of the said Company, possessed of Two Shares at the least each in the said Bridge and Roads, to be the Committee of Management of the said Company, and such Five Persons so elected shall continue in Office for the Space of One Year, or until a new Committee be appointed, and no longer; and on the

the First Monday in every succeeding Month of August in each and every Year, Five Persons out of the Members of the said Company, qualified as aforesaid, shall be elected by the said Company to be the Committee of Management of the said Company; and such Persons who may be so elected, shall continue in Office for the Space of One Year, or until a new Committee be appointed, and no longer: Provided always, that no Person shall be qualified to be elected, nor to serve or act as a Member of the said Committee, who shall hold any Place of Profit, or be concerned or interested in any Contract or Contracts under the said Company, or shall be a Dealer either directly or indirectly in any Article, Matter, or Thing used by the said Company: Provided also, that it shall be lawful for the said Company to nominate and appoint any such Person or Persons duly qualified; and going out of Office, again to be a Member of the said Committee of Management.

XXXIX. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act in Execution, a Special General Meeting or Assembly of the Proprietors of the said Company shall be necessary to be holden, it shall be lawful for any Five or more of the said Proprietors, by a Notice under their Hands, to give Thirty Days Notice of such Special General Meeting or Assembly, in One or more Newspaper or Newspapers printed or circulated in the said County, or in such other Manner as the said Company may at any General Meeting or Assembly direct and appoint, specifying in such Notice the Reason, Occasion, and Intention of such Special General Meeting or Assembly, and the Time when and Place where the same shall be holden, which Place shall be within Five Miles of the said Bridge, and the said Proprietors are hereby authorized to meet pursuant to such Notice; and such of them as shall be present at such Special General Meeting or Assembly, shall proceed to the Execution of the Powers by this Act given to the said Company, with respect to the Matters so specified in such Notice only; and all such Acts, Orders, or Determinations of the said Proprietors, or the Majority of them, met together at every such Special General Meeting or Assembly, shall be as valid with respect to the Matters specified in such Notice, as if the same had been done at any stated General Meeting or Assembly.

XL. And be it further enacted, That all Orders and Proceedings of the said Company, together with the Names of the Proprietors of Shares in the said Bridge and Roads present at every Meeting, shall be entered in a Book or Books to be kept by the Clerk to the said Company for that Purpose, and be signed by the Chairman of the Meeting or Meetings at which such Orders or Proceedings shall be made or had; and such Book or Books shall be open at all reasonable Times to the Inspection of any of the Proprietors of Shares in the said Bridge and Roads 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 shall and may be read in Evidence in all Courts whatsoever, in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever.

XLI. And be it further enacted, That the said Company of Proprietors or their Committee of Management shall, and they are hereby required from Time to Time and at all Times to order and direct a Book or Books

Meetings or Assemblies of the Proprietors may be specially convened.

Proceedings to be entered in a Book, which shall be open to Inspection.

Books of Account to be kept, and to be open to Inspection.

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 Roads, 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 Proprietors of the said Bridge and Roads, or any Creditor or Creditors on the Tolls to be collected and taken on the said Bridge and Roads, without Fee or Reward; and the said Proprietors and Creditors, or any of them, shall or 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 any of the said Proprietors or Creditors to inspect any such Book or Books, or to 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 applied in the same Manner as other Penalties are hereby directed to be levied and applied.

so much of the said Act as relates to the said Clerk shall be void and inane.

Committee of Management to appoint Officers.

XLII. And be it further enacted, That it shall be lawful for the said Committee of Management, and they are hereby authorized and required, from Time to Time to nominate and appoint a Treasurer, Engineer or Engineers, Architect or Architects, Surveyor or Surveyors, Clerk, Collector or Collectors, Receiver or Receivers of the Rates and Tolls herein allowed to be demanded and taken, and such other Officers as to the said Committee of Management shall seem proper; and from Time to Time to remove any such Treasurer, Engineer or Engineers, Architect or Architects, Surveyor or Surveyors, Clerk, Collector or Collectors, Receiver or Receivers, or other Officers, or any of them, and to nominate and appoint another Person or other Persons in his or their Room or Stead, taking such Security from every such Treasurer, Collector, or Receiver, or other Officer, for the due Execution of their respective Offices, and to grant them respectively such Salary and Compensation as the said Committee of Management shall think proper.

Clerk and Treasurer not to be the same Person.

XLIII. Provided always, and be it further enacted, That it shall not be lawful for the said Company or their Committee of Management to appoint the Person who may be appointed to act as the Clerk to the said Company or Committee in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk, or of his Partner or Partners, to be the Treasurer for the Purposes of this Act, nor to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person or Persons in the Service or Employ of any such Treasurer, or of his Partner or Partners, the Clerk to the said Company or Committee; and if any Person shall act in both the 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 other Person in the Service or Employ of any such Clerk, or of his Partner, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or the Clerk or other Person in the Service or Employ of the Partner of such Treasurer, or of his Partner, shall act as Clerk in the Execution of this Act, or if any such

Treasurer

and if any Person shall act in both the 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 other Person in the Service or Employ of any such Clerk, or of his Partner, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or the Clerk or other Person in the Service or Employ of the Partner of such Treasurer, or of his Partner, shall act as Clerk in the Execution of this Act, or if any such

Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Company (other than as Treasurer), every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons 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 Imparance, shall be allowed.

XLIV. And be it further enacted, That every such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, or other Officer or Servant of the said Company or Committee of Management, so to be appointed as aforesaid, shall, under his or their Hand or Hands, at such Time or Times and in such Manner as the said Company or Committee shall direct, deliver to the said Company or Committee, or to such Person or Persons as they respectively shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his or their Charge by virtue of this Act, and also of all the Monies which shall have been by such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, or other Officer or Servant, and Person or Persons respectively, received by virtue and for the Purposes of this Act, and how much thereof hath been paid, laid out, and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in his or their respective Hand or Hands to the said Company or Committee, or to such Person or Persons as they shall respectively appoint; and if any such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer, or Person shall refuse to produce or deliver up such Accounts, Receipts, or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Company or Committee, or to such Person or Persons as they shall respectively appoint, within Seven Days after being thereunto required by the said Company or Committee, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in his or their respective Hands, to the said Company or Committee, or as they shall respectively direct and appoint, then and in either of the Cases aforesaid, it shall be lawful for any One Justice of the Peace for the said County of *Hereford*, upon Complaint to him made by the said Company or Committee, or such Person or Persons as they respectively shall appoint for that Purpose, to summon before him any such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons, 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 or Accounts; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered and required to administer), it shall appear to such Justice that any of the Monies that shall have been collected, raised, or received by virtue of this Act, shall be in the Hands of such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons, such Justice may, and he is hereby autho-

Officers, &c.
to account.

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alized

rized and required, upon Nonpayment thereof, by Warrant or Warrants under his Hand and Seal, to cause such Monies to be levied by Distress and Sale of the Goods and Chattels of such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of making and levying the same, or if such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose, unless for some sufficient Reason, or if appearing shall refuse or neglect to give and deliver to such Justice an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his, her, or their Custody or Power relating to the said Bridge and Roads, then and in any or either of the Cases aforesaid, such Justice shall commit every such Offender to the Common Gaol for such County or Place wherein the Offence shall be committed, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Company or Committee, and shall have paid such Composition in such Manner as they respectively shall appoint (which Composition the said Company or Committee are hereby empowered to make), and until he shall deliver up such Monies, Accounts, Receipts, Vouchers, Books, Papers, and Writings as aforesaid; or give Satisfaction in respect thereof to the said Company or Committee; but no Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer, or 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 Six Calendar Months.

Power to
erect Toll
Gates and to
take Tolls.

XLV. And be it further enacted, That the said Company or their Committee of Management shall and may, as soon as conveniently may be after a Passage shall be made over the said intended Bridge, cause to be erected and set up a Turnpike Gate or Gates, or Toll Gate or Gates, at or upon the said Bridge, and at or upon some or one of the said Roads, Avenues, or Approaches leading thereto, or branching therefrom, belonging to the said Company, at any Part or Parts thereof, and from Time to Time shall and may remove the same Turnpike or Toll Gate, or Turnpikes or Toll Gates, and erect or set up another Turnpike or Toll Gate, or other Turnpikes or Toll Gates, in lieu thereof, at any Place or Places upon any Part or Parts of the said Bridge or Roads; Avenues or Approaches respectively, and shall and may from Time to Time erect, provide, and maintain such Toll Houses and other Conveniences near or adjoining to the said Turnpike or Toll Gate as the said Company, or their Committee of Management for the Time being, shall think proper; and the respective Tolls following shall and may be demanded and taken at the Turnpike or Toll Gate, Turnpikes or Toll Gates, to be erected as aforesaid, by such Person or Persons as the said Committee of Management shall from Time to Time appoint as aforesaid; (that is to say),

For every Horse or other Beast drawing any Coach, Stage Coach, Diligence, Van, Caravan, Sociable, Berlin, Landau, Chariot, Vis-a-vis, Barouche, Phaeton, Chaise Marine, Calash, Curricule, Chair, Gig, Whiskey, Hearse, Litter, Chaise, or other such like Carriage, the Sum of Nine-pence :

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, the Sum of Sixpence :

For every Horse or Mule, laden or unladen, and not drawing, the Sum of Two-pence :

For every Ass, laden or unladen, the Sum of One Penny :

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

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

And for every Foot Passenger or Person on Foot (except the Person or Persons, not exceeding Two in Number, actually driving and accompanying any Waggon, Wain, Cart, or other Carriage), who shall pass over the said Bridge, the Sum of One Penny :

And for every Person who shall ride in or upon any Waggon or Wain, or any Cart or other such like Carriage (not being a Cart or Carriage usually employed for the Conveyance of Passengers for Hire), or who shall ride upon any Horse or Beast drawing any such Waggon, Wain, Cart, or other such like Carriage, the Sum of One Penny.

Such respective Tolls to be paid before any such Person, or any such Horse, Mule, Ass, Cattle, or Beast, or any such Carriage as aforesaid, shall be entitled to pass through such Turnpike or Toll Gate; and which said Tolls shall be, and the same are hereby vested in the said Company and their Successors, for the Purposes of this Act.

XLVI. And be it further enacted, That after any Toll Gate shall be erected by virtue of this Act, the said Company or their said Committee shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every such Toll Gate, 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 distinguishing the several Tolls to be paid by virtue of this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated: Provided always, that it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Tolls for or in respect of any Horse, Cattle, Beast, or Carriage, but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Toll Gate.

XLVII. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Beast, or Cattle, or for himself or herself as a Foot Passenger, through any or either of such Toll Gates, Turnpikes, or Side Gates, such Horse, Beast, or Cattle, and Foot Passenger, shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass Toll-free through all the Toll Gates, Turnpikes, or Side Gates to be

be erected or set up by virtue of this Act; such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night, except as herein-after is excepted.

Stage
Coaches, &c.
to pay every
Time of
passing.

XLVIII. Provided always, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Roads.

Horses draw-
ing Post
Chaises to be
subject again
to Toll on
every new
Hiring.

XLIX. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Roads, whenever any new Hiring thereof shall be made.

Exemptions
from Toll.

L. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty, or any of the Royal Family, or returning after having so attended; or for any Horse, Beast, Cattle, or Carriage of whatever Description, to be employed in conveying or guarding Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or returning back from carrying or guarding the same; or for any Soldiers upon their March or upon Duty, or for any Horse, Cattle, or Carriages attending them with their Arms and Baggage, and returning after having been so employed; nor 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, or Commissariat, or other public Stores of or belonging to His Majesty, or to and for the Use of His Majesty's Forces; 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, Mare, or Gelding furnished by or for or belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for or on the Days of Exercise, provided that such 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 Exemptions as aforesaid; or for Horses, Carts, or Waggon employed only in carrying or conveying any Vagrant sent by a legal Pass, or any Prisoner sent by any legal Warrant, or returning empty after having been so employed.

Directing the
Application
of the Tolls.

LI. And be it further enacted, That the said Tolls, or any Rents payable in respect of the same, which shall be collected and received under or by virtue of this Act, shall be applied and disposed of in the Manner herein-after mentioned; that is to say, in the first Place, in paying all the Costs, Charges, and Expences incident to or in anywise attending the obtaining and passing this Act; then in paying the Expences for the Time being of carrying this Act into Execution, and of keeping the said Bridge and Roads in proper Repair and Condition; and in the next Place;

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in paying to the Mortgagees under this Act the Interest to which they shall be respectively entitled in the Manner herein-before provided; and the Surplus thereof shall be divided amongst the said Proprietors, in proportion to the Amount of their respective Shares.

LII. And be it further enacted, That if any Person subject to the Payment of the Tolls hereby made payable, or any of them, shall after Demand made thereof by any Collector or Collectors appointed to receive the same, neglect or refuse to pay the same, it shall be lawful for such Collector or Collectors, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to stop and prevent the Passage of the Person or Persons so neglecting or refusing, or of the Horse, Beast, or Cattle for or in respect of which such Tolls ought to be paid, until full Payment thereof, or to seize and distrain any Horse or Horses, or other Cattle or Beast, together with their Bridles, Saddles, Gears, Harness, or Accoutrements (save and except the Bridles separate and apart from such Horses or other Cattle or Beasts), or any Carriage drawn by such Horse, Cattle, or Beast; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Three Days next after such Seizure and Distress made, the Person and Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriages, Goods, Chattels, or Things so seized and distrained, or any Part thereof, returning the Overplus (if any be), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted; and if any Person shall forcibly pass over the said Bridge, or through any or either of the said Toll Gates, without having paid the said Tolls, or shall assault, interrupt, or obstruct any Person employed in the Collection of the said Tolls, every Person offending in any of such Cases shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, whereof one Moiety shall be paid to the Informer, and the other Moiety to the Treasurer of the said Company, to be applied for the Purposes of this Act.

Power to stop any Person refusing to pay Toll.

LIII. And be it further enacted, That it shall be lawful for the said Company, from Time to Time, at any General or Special General Meeting to be held in pursuance of this Act, to lessen or reduce all or any of the Tolls hereby granted, for such Time as they shall think proper, and to raise again the Tolls so lessened or reduced, or any Part thereof, so that the same do never exceed the Tolls herein-before granted; and the Tolls so lessened or reduced, or raised again, shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are authorized or directed to be collected, recovered, and applied.

Power to reduce and vary Tolls.

LIV. And be it further enacted, That all and every Toll Collector shall, and he or she is hereby required to place his or her 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 or her 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 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 or she shall be upon Duty; and every such Collector

For preventing Toll Collectors from taking undue Toll.

[Local.]

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shall

shall place or cause to be placed on the Front of the Toll House or Toll Houses at which such Collector shall be stationed, a Board whereon shall be painted, either in White Letters on a Black Ground, or Black Letters on a White Ground, the List of the Tolls payable at such Gate; and if any Collector of the same 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 the Powers of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempted 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 the Inscriptions on such Boards respectively, or shall refuse to tell his or her 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 shall refuse or neglect to give a Ticket to denote the Payment of the Toll when demanded, 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 Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any 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 Forty Shillings 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.

Penalty on
evading Tolls.

LV. And be it further enacted, That if any Person shall take off or cause to be taken off any Horse or other Beast from any Carriage at or near to the said Bridge, or at or near to any Toll House or Gate to be erected or set up by virtue of this Act, and afterwards put on or add the same after having passed the said Bridge, or any Toll House or Gate as aforesaid, with Intent to evade, and thereby shall evade or endeavour to evade the Payment of any Part of the said Tolls, or shall forge, counterfeit, or alter, or receive from or deliver to any other Person or Persons any Note or Ticket with Intent to evade, or to enable or assist any other Person or Persons to evade the Payment of any Part of the said Tolls, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

For settling
Disputes con-
cerning Tolls.

LVI. And be it further enacted, That in case any Dispute or Disputes shall happen about the Amount of Toll due, or the Charges of keeping or selling any Distress made for Nonpayment of such Toll, it shall be lawful for the Collector, or the Person distraining, to retain such Distress, or the Money arising from the Sale thereof (as the Case may be), until the Amount of the Toll due, and the Charges of the keeping and selling the Distress, be ascertained by some Justice of the Peace for the County 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 to administer), and shall determine the Amount of the Toll due, and other Matters in Dispute between the Parties,

ties, 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 paying 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.

LVII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, or any of them, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Company or Committee, shall not be disqualified from giving Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being appointed to collect such Tolls.

Collectors of Tolls may give Evidence.

LVIII. And be it further enacted, That it shall be lawful for the said Company, at any General Assembly or Meeting to be held under or by virtue of this Act, to lease or demise all or any of the said Tolls for any Term of Years not exceeding Three Years at any one Time, for such Rent, payable at such Times and under such Covenants as they shall think fit, the said Company taking such sufficient Security from the Person or Persons to whom such Tolls shall be leased or demised, for Payment of such Rent and Performance of such Covenants as they shall think fit, which Rent shall be applied for the Purposes of this Act.

Power to lease the Tolls.

LIX. 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 Two or more of the said Committee of Management, although not assembled at a Meeting of the said Committee to be appointed by virtue of this Act, to discharge such Collector or Receiver so neglecting or refusing to perform, or becoming incapable of performing his Duty, or absconding or absenting himself, and to nominate and appoint some other fit and proper Person or Persons to be a Collector or Receiver of the said Tolls until the then next Meeting of the said Committee, 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 be vested with the like Power and Authority, and be answerable and accountable in like Manner in all respects, as the Collector or Receiver who shall so die or be discharged would have been; and 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 Two Days next after Demand thereof made by Notice in Writing, signed by the Clerk of the said Company, for that Purpose given to such Collector or Receiver, or any

Committee may remove Collectors, and appoint temporary ones.

Collectors refusing to deliver up Toll Houses,

Justices empowered to grant Warrants, and Constables to enter and remove such Collectors.

any Person or Persons, or left at such Toll House, Building, or Premises, then and in every of the said Cases it shall be lawful for any One or more Justice or Justices of the Peace for the said County of *Hereford*, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the said County, 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 Committee of Management, or such new appointed Collector or Receiver as aforesaid, into the Possession thereof.

Corporations and other Persons empowered to sell and convey Lands, &c.

LX. And be it further enacted, That it shall be lawful to and for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and to 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 and on behalf of their Cestuique Trusts or Wards, 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 entitled to Dower or other Interest therein, and for all and every other Person or Persons whomsoever who is or are or shall be seised, possessed of, or interested in any Lands, Buildings, Tenements, or Hereditaments authorized to be taken or used, and which the said Company or their Committee shall cause to be taken or set out for the Purposes of this Act, or any of them, to contract for, sell, and convey the same and every Part thereof to the said Company; and all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be made at the Expence of the said Company; which said Sales, Conveyances, and Assurances, shall be kept by the Clerk to the said Company, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons interested therein requiring the same, and shall have and receive Sixpence for every Seventy-two Words of each such attested Copy, and so in proportion for any greater, or less Number of Words; and every such Conveyance to be made by virtue of this Act in Manner and Form aforesaid, shall be good, valid, and effectual in Law to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding.

Satisfaction to be made.

LXI. Provided always, and be it further enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Tenant and Tenants for Life, and Tenant and 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, Buildings, Tenements, and Hereditaments which may be taken, used, injured, or damaged by virtue of this Act, may accept and receive Satisfaction for
the

the Value of such Lands, Buildings, Tenements, and Hereditaments, and for the Damages to be sustained by the making and completing or using the said Bridge, Roads, Avenues, and Approaches herein directed and authorized to be made, as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Company or their Committee of Management; and in case the said Parties so interested in the said Lands, Buildings, Tenements, and Hereditaments, or any of them, and the said Company or Committee, cannot agree as to the Amount or Value of such Satisfaction, the same shall be settled and ascertained as herein-after directed.

LXII. Provided also, and be it further enacted, That if any such Body Politic, Corporate, or Collegiate, or any Feoffee or Feoffees in Trust, Executor, Administrator, Husband, Guardian, Trustee, Committee of or for any Idiot or Lunatic, or any Feme Covert, or any Person whether Tenant for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, or any other Person or Persons so interested or entitled as aforesaid, cannot agree with the said Committee of Management respecting the Purchase of any Lands, Buildings, Tenements, or Hereditaments, or the Satisfaction to be made for any Damages that may be sustained from Time to Time by him, her, or them, by the making or using of the said Bridge, Roads, Avenues, or Approaches, or any of the Works to be made and maintained by virtue of this Act, and shall give Notice in Writing to the Clerk of the said Company or of the said Committee, requiring a Jury to be summoned for the Purpose of determining such Purchase or Satisfaction; or if any such Body Politic, Corporate, or Collegiate, or any Person or Persons so interested or entitled as aforesaid, shall, upon Notice in Writing given by the Clerk of the said Company or Committee to the principal Officers of any such Body Politic, Corporate, or Collegiate, or to such Feoffee or Feoffees in Trust, Executors, Administrators, Husband, Guardian, Trustee, Committee of or for any Idiot, Lunatic, or any Feme Covert, or to such Tenant for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, or other Person or Persons so interested or entitled as aforesaid respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments to be made use of for the Purposes of this Act, for the Space of Fourteen Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company or their Committee, or by reason of Absence or otherwise shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement or Agreements as shall be necessary for the Purposes aforesaid, or shall not, within the before-mentioned Space of Fourteen Days, produce and fully disclose the State of the Title to the Premises which he, she, or they respectively is or are or shall be in Possession of, and the Interest which he, she, or they respectively may claim therein, then and in every such Case the said Company or Committee, or any Three or more of them, shall, and they are hereby empowered and required, within Seven Days after the Receipt of such Notice by the Clerk to the said Company or Committee, or after the Expiration of Seven Days after the Delivery of such Notice by the said Clerk (as the Case may be), to issue a Warrant under their Hands and Seals, directed to the Sheriff of the County of *Hereford*, commanding such Sheriff to impanel, summon, and return a

If Parties are dissatisfied, a Jury may be impannelled.

Jury, and the said Sheriff is hereby required accordingly to impanel, summon, and return a Jury of Forty-eight honest, sufficient, and indifferent Men, qualified according to the Laws of this Realm for the Time being to be returned for the Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff at such Time and Place as in such Warrant shall be appointed; and the said Sheriff is hereby 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, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff shall return other honest, 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 all Persons concerned shall and may have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Sheriff is hereby empowered and required, by a Summons or Notice to be signed by such Sheriff, either previous to or at the Time of any such Meeting or Meetings, to call before them all and every Person or Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses upon Oath touching and concerning the Premises; and the said Sheriff may order and authorize the said Jury, or any Three or more of them, to view the Place or Places, or Matter or Matters in question, if there be Occasion, and to use all other lawful Ways and Means, as well for his own as for the Jury's better Information in the Premises, as the said Sheriff shall think fit; which Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff is hereby empowered and required to administer,) shall inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands or other 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, for or on account of the taking or damaging of such Lands or other Hereditaments for the Purposes of this Act; and after the said Jury shall have inquired of, ascertained, and settled such Damage, Recompence, and Satisfaction, the said Sheriff shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the said Company or Committee to the said Owners or Occupiers of, or other Person or Persons interested in the said Lands or Hereditaments, according to such Verdict or Inquisition of the said Jury, and shall give Judgment for such Purchase Monies, Recompence, or Satisfaction to be assessed by such Jury; which said Verdict or Inquisition, Order or Judgment thereon pronounced as aforesaid, shall be signed by the said Sheriff, and shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever claiming any Estate in Fee Simple or Fee Tail, for Life or Lives, in Possession, Reversion, Remainder, Expectancy, or otherwise, their Heirs, Successors, Executors, and Administrators, Infants, Issue unborn, Females Covert, Persons beyond the Seas, and under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other 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 Courts; any Law or Statute to the contrary thereof notwithstanding.

LXIII. And be it further enacted, That if any Person so impannelled, summoned, and returned as aforesaid upon such Jury shall not appear, without some reasonable Excuse, or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give his Verdict, or shall in any other Manner wilfully neglect his Duty therein contrary to the true Intent and Meaning of this Act, he shall be liable and subject to the same Regulations, and to the same Pains and Penalties for such Default, as if he had been impannelled, summoned, and returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*; and if any Person so summoned and required to give Evidence before the said Jury touching the Premises shall neglect or refuse to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, or Expences, or shall not allege a sufficient Excuse to the said Sheriff for not appearing, or appearing shall refuse to be sworn and examined or to give Evidence, then and in every such Case every such Person so offending, upon Proof thereof made before One of His Majesty's Justices of the Peace for the County or Place in which the Matter or Question shall arise, upon the Oath of One or more credible Witness or Witnesses, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, according to the Discretion of the said Justice; and in case any such Penalty shall not be forthwith paid, it shall and may be levied by virtue of any Warrant under the Hand and Seal of the said Justice, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to such Person the Overplus after such Penalty and Charges of such Distress and Sale shall be deducted; and every such Penalty which shall be paid by or recovered from any Person who shall be impannelled, 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 the said Justice to be injured by the Default of such Persons.

Penalty on Persons refusing to appear, or to be sworn on the Jury, and on Witnesses refusing to appear or give Evidence.

LXIV. And be it further enacted, That all and every Person or Persons, who, in any Examination to be taken upon Oath by virtue of this Act, shall wilfully and corruptly give false Evidence, or otherwise forswear themselves before any such Jury, or before any Justice of the Peace acting as such in the Execution of this 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 Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

For punishing Persons guilty of Perjury.

LXV. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money for a Recompence or Satisfaction for the absolute Sale of any Lands, Buildings, Tenements, or other Hereditaments of or belonging to any Body or Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, or to any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to any Lands, Buildings, Tenements, Hereditaments, or other Property, than had been previously offered by or on behalf of the said Company or their Committee of Management, or where any Verdict shall be found for any Damages where the Dispute is for Damages only, and where no Compensation, or a smaller Sum than shall be given by such Verdict had been previously offered or tendered in respect thereof by or on behalf of the said Company or Committee, or where, by reason of Absence in foreign Countries or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand who may be legally capacitated

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

capacitated to enter into a Contract with, and make Conveyances to, and receive Compensations from the said Company or Committee as hereinbefore mentioned, then and in all such Cases all the Expences of impannelling; summoning, and returning such Jury, and taking such Verdict, shall be settled by the said Sheriff so impannelling, summoning, and returning such Jury and taking such Verdict as aforesaid, and be defrayed by the said Company or Committee; but if any Verdict shall be given for the same Sum as had been previously offered by or on behalf of the said Company or Committee, or for a less Sum than had been so previously offered, or for Damages where the Dispute is for Damages only, the Costs and Expences of impannelling, summoning, and returning such Jury and taking such Verdict, shall be settled in like Manner by the said Sheriff so impannelling, summoning, and returning such Jury and taking such Verdict, and be borne and paid in the Manner following; (that is to say), one Moiety or Half Part of such said Costs and Expences shall be borne and paid by the said Company or their Committee, and the other Moiety or Half Part thereof by the Body or Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil; or other Person or Persons, with whom the said Company or Committee shall have such Disputes or Controversies; which said last-mentioned Moiety of the said Costs and Expences 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 Sum or Sums of Money 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, after having been so ascertained and settled as aforesaid, shall and may be recovered by the said Company, or by their Committee of Management, by such Ways and Means as are herein provided for the Recovery of any Penalty or Forfeiture incurred by this Act.

The Value of Lands and Compensation for Damages to be assessed separately.

LXVI. And be it further enacted, That the said Sheriff and Juries respectively, in their Awards, Determinations, Adjudications, Judgments, and Verdicts concerning the Value of Lands, Tenements, and other Hereditaments, shall separately and distinctly proportion off any particular Estate, Terms, or Interests, and also any Damages sustained or to be sustained by any Body Politic or Bodies Politic, Corporate, Collegiate, Ecclesiastical or Civil, or any other Person or Persons whomsoever, by or in consequence of the Execution of any 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.

Lands to vest in the Company on Payment of Sum assessed.

LXVII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by such Jury in manner aforesaid, for the Purchase of any such Lands or other Hereditaments, to the Person or Persons entitled to receive such Purchase Money respectively, or his, her, or their Agent or Agents, or within the Space of Three Calendar Months after the same shall have been 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), it shall be lawful for

for the said Company or their Committee of Management, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, or other Hereditaments respectively; and then and thereupon such Lands, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company and their Successors, to and for the Purposes of this Act for ever; and such Payment, Tender, or Deposit shall not only bar all Right, Title, Claim, Interest, or Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion, Remainder, Expectancy, or otherwise, of his, her, or their Issue, and of all and every other Person or Persons interested therein: Provided always, that nothing in this Act contained shall authorize and empower, or be construed to authorize and empower the said Company, or their Committee of Management, or their Agents, Workmen, or Servants, or any of them, for the Purposes herein mentioned, to enter into and upon the Lands, Tenements, and Hereditaments so to be purchased by virtue of this Act as aforesaid (except to examine and survey the same, and to ascertain and set out such Parts thereof as may be necessary for the Purposes of this Act as herein-before is provided), without having first paid or legally tendered for the same such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by a Jury in the Manner herein-before directed; and in case the said Company or Committee, or their Agents, Workmen, and Servants, or any of them, shall for the Purposes aforesaid enter into and upon the said Lands, Tenements, and Hereditaments, without having previously paid, or otherwise legally tendered the Purchase Money for the same in the Manner herein-before directed, then and in such Case the Person or Persons making such Entry shall be deemed a Trespasser or Trespassers, and shall forfeit and pay for the doing thereof the Sum of Five Pounds.

LXVIII. And be it further enacted, That the said Judgments and Verdicts so given shall be transmitted to and be kept by the Clerk of the Peace, or other Person or Persons having the Custody of the Records of the Quarter Sessions of the said County of *Hereford*, and shall be deposited with and be deemed to be Records of such Quarter Sessions respectively to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to have Copies thereof, paying for every Copy the Sum of Four-pence for every Seventy-two Words, and so in proportion for any greater or less Number of Words.

Verdicts of
the Juries to
be recorded.

LXIX. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of or Damages to be done to any Lands, Tenements, and Hereditaments, purchased, taken, or used, injured or damaged, by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or any Person

Application
of Compensation
when amounting
to or exceeding
200l.

[Local.]

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whose

whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any other Person under any other Disability or Incapacity whatsoever, such Money 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 His Majesty's Court of Exchequer, to be placed to his Account there, *ex parte* "The Kerne Bridge Company," pursuant to the Method prescribed by an Act made in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, 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 Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer, 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 Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
of Compensation
when
less than
200*l.* and not
less than
20*l.*

LXX. 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, injured or damaged, for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Bodies, Person or Persons for the Time being entitled to the

Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of England, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and 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 Body or Bodies, Person or Persons making such Option, and approved of by the said Company or their Committee of Management, (such Nomination and Approbation to be signified in Writing under the Hands and Seals of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, 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 Court of Exchequer.

to be paid
into the
Bank of
England
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Exchequer
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to his
Account
as aforesaid

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

Application
of Compen-
sation when
less than 20l.

LXXII. And be it further enacted, That in case the Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Hereditaments to be purchased by virtue of this Act, for the Purposes of the said Bridge, Roads, Avenues, Approaches, or other Works, or any of them, shall refuse to accept the same, or shall not be able to make a good Title to the said Premises to the Satisfaction of the said Company or their Committee, or in case the Person or Persons to whom any such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful for the said Committee of Management, or any Three or more of them, to order the Sum and 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 said Court of Exchequer, to be placed to his Account, to the Credit of the Party or Parties interested in the said Lands or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Body or Bodies, Person or Persons, making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective

Directing
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or cannot
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Title, or can-
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of the
said
Accountant
General
of the
Court
of
Exchequer
and placed
to his
Account
as aforesaid

Estate

Estate or Estates, Title or Interest of the Body or Bodies, 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 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 who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of doubtful Titles, the Person in Possession to be deemed presumptively entitled.

LXXIII. And be it further enacted, That where any Question shall arise touching the Title of any Body or Bodies, 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 Court of Exchequer, in pursuance of this Act, for the Purchase of or in Satisfaction for any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased, taken or used, damaged or injured, in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Body or Bodies, Person or Persons, who shall have been in Possession of the Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under them, or under the Possession of any such Body or Bodies, Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; 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 one, and that some other Person or Persons was, or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

The Court may order reasonable Expences to be paid by the Company.

LXXIV. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands 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 Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, and to be applied in the Purchase of other Lands or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court 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 Company or their Committee of Management, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Tenants at Will to deliver Possession at Three Months Notice.

LXXV. And be it further enacted, That every Tenant at Will, or Lessee for a Year, or from Year to Year, shall deliver up the Possession of the Lands and Premises, he, she, or they shall respectively hold, to the said Company, or to their Committee of Management, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Three Calendar Months Notice to quit such Possession from the Clerk

Clerk to the said Company, or from the Person or Persons so authorized by them to take such Possession; and such Person or Persons in Possession shall, at the End of the said Three Calendar Months, whether such Notice be given with reference to the Time or Times of such Tenant's holding or not, or so soon, after as he, she, or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Company or their Committee of Management, or to such Person or Persons authorized by them to take Possession thereof, such Authority being signified under the Hands of the said Committee of Management, or any Three or more of them, they the said Company making such Satisfaction and Compensation to every such Tenant or Lessee, or other Person or Persons in Possession as aforesaid, in case he, she, or they shall be required to quit before the Expiration of his, her, or their current Year in the Premises, as the said Company shall deem just and reasonable; and if any Dispute shall arise touching the Amount of such Satisfaction or Compensation, then and in such Case the same shall be settled and ascertained by a Jury, in such and the like Manner as the Satisfaction and Compensation to be made for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments herein-before directed to be settled and ascertained, in case of any Difference or Dispute about the same; 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, it shall be lawful for the said Committee, or any Three or more of them, to issue their Precept or Precepts to the Sheriff of the said County of *Hereford*, 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 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.

LXXVI. And whereas there is a Ferry at a certain Place called *Goodrich Boat*: And whereas such Ferry may, in some respect be injured or deteriorated in Value by the building and using of the said Bridge hereby authorized to be made: And whereas it is fit and proper, that in case the said Ferry should be injured or deteriorated in Value by the building and using the said Bridge, a fair Compensation for such Injury or Deterioration in Value should be made; be it therefore further enacted, That the said Company shall and are hereby required to make Compensation for any Injury or Deterioration in Value which may be done or occasioned to the said Ferry by the erecting and using of the said Bridge; and if the said Company or their Committee of Management, and the Person or Persons interested in the said Ferry, cannot agree upon the Amount of such Compensation, then the same shall be settled and ascertained in like Manner in all Respects as is herein-before provided (in Cases of Parties not agreeing), with respect to the ascertaining and settling of Satisfaction for Lands, Tenements, and Hereditaments, through, in, or upon which the said Roads, Avenues, and Approaches to the said Bridge are intended to be made; and upon Payment of the Amount of such Compensation as shall be so agreed upon or settled or ascertained as aforesaid, the said Company and their Successors shall from thenceforth for ever thereafter be wholly exonerated, discharged, and indemnified from all further and

Compensation to be made for any Injury to the Ferry at *Goodrich Boat*.

other Claims and Demands whatsoever for Compensation or Satisfaction in respect of the said Ferry, by any Person or Persons whomsoever.

For prevent-
ing Nuisances
on the Bridge
and Roads.

LXXVII. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, or otherwise damage, or shall ride or drive or lead any Horse, Beast, Cattle, or Carriage over or upon any Footpath or Causeway made or to be made on the Side or Sides of any Part of the said Bridge or Roads, or the Avenues or Approaches thereto; or shall wilfully obstruct the Passage thereof; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Footpaths or Causeways; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing, which shall be or lie upon any Part of the said Bridge, Roads, Avenues, or Approaches thereto, with any Instrument, so as to damage the said Bridge, Roads, Avenues, or Approaches thereto, or any Part thereof; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implément of Husbandry, without some reasonable Cause to be allowed by the Justice before whom the Person so offending shall be summoned or conveyed in order to his Conviction, or except with regard to such Waggon, Wain, Cart, or other Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near the Side of the said Roads, Avenues, or Approaches as conveniently may be, in, upon, or on the Sides of the said Bridge, Roads, Avenues, or Approaches thereto, either with or without any Horse or Beast harnessed or yoked thereto; or shall lay any Timber, Wood, or Bushes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Annoyance whatsoever, upon any Part of the said Bridge, Roads, Avenues, or Approaches thereto, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance of any Person travelling thereon; every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Person wil-
fully destroy-
ing the
Bridge or
Works guilty
of Felony.

LXXVIII. And be it further enacted, That if any Person shall wilfully or maliciously pull down or destroy the said Bridge or any Part thereof, or any Toll House to be erected by virtue of this Act, every Person so offending, and being thereof lawfully convicted, shall be deemed guilty of Felony.

Bridge not to
be deemed a
County
Bridge.

LXXIX. And be it further enacted, That the said Bridge shall not be adjudged or taken to be a County Bridge, or subject the County of *Hereford* to the repairing, amending, or supporting of the same; any Law or Statute to the contrary thereof notwithstanding.

Power to the
Company to
rebuild the
Bridge when
necessary,
and in the
meantime
to provide a
Ferry.

LXXX. And be it further enacted, That in case the said Bridge shall at any Time become impassable or unsafe for Travellers or Carriages, the said Company, or their Successors, shall and are hereby empowered to cause the same to be forthwith rebuilt or repaired, and made safe and commodious for the Passage of Travellers, Cattle, and Carriages; and in the meantime, until the said Bridge shall be so rebuilt or repaired, and made safe and commodious, it shall be lawful for the said Company, during all such Time as the said Bridge shall be impassable or unsafe as aforesaid, to provide a proper and convenient Ferry for the Passage of Travellers,

Travellers, Cattle, and Carriages over the said River, as near to the said Bridge as conveniently may be; and it shall be lawful for such Person or Persons as the said Company or their Successors shall appoint for that Purpose, to demand, collect, and receive, for the Passage of such Travellers, Cattle, and Carriages in or over the said Ferry, before they respectively shall be permitted to pass, the like Tolls as are hereby authorized to be taken for passing over the said Bridge; any thing herein-before contained to the contrary notwithstanding.

LXXXI. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, 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 Company to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made from the said Company, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, 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 Company by virtue of this 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, 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 Company, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress of the Goods of the Company or their Treasurer.

LXXXII. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner by this Act directed for the levying of any Penalties or Forfeitures.

Damages and Charges, in Cases of Dispute, to be settled by Justices.

LXXXIII. And

Declaring what shall be good Service of Notices on the Company.

LXXXIII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve any Notice or Notices upon the said Company, or any Writ or Writs, or other legal Proceedings, or Proceedings in Equity, the Service thereof upon the Chairman, or any Member of the said Committee for the Time being, or left at his usual Place of Abode, or upon the Clerk of the said Company for the Time being, or at the Office of such Clerk, or left at his usual Place of Abode, or upon any Agent or Officer of the said Company, or left at his last or usual Place of Abode, shall be deemed a good and sufficient Service of the same respectively on the said Company.

Penalties and Forfeitures, how to be recovered.

LXXXIV. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, in relation to which the Manner of convicting the Offender is not particularly mentioned or directed, shall be adjudged by and be recovered before any Justice of the Peace for the County or Division wherein the Cause, or Matter of such Complaint or Information shall arise, in a summary Way, and who is hereby authorized and empowered to take Cognizance thereof, and to summon the Person complained of to appear before him, and upon the appearing or not appearing of such Person pursuant to such Summons, to hear the Matter of every such Complaint and Information, by Examination of any Witness or Witnesses, upon Oath or otherwise (which Oath such Justice is hereby empowered to administer), and to make such Determination therein as such Justice shall think proper; and upon the Conviction of any such Person, such Justice shall and may issue a Warrant under his Hand and Seal for levying the Penalty or Forfeiture by this Act imposed for such Offence, by Distress and Sale of the Goods and Chattels of the Person so convicted; and all such Penalties and Forfeitures, when recovered, after rendering the Overplus (if any), when demanded, to the Owner of such Goods and Chattels (the Charges of such Distress and Sale being first deducted), shall be paid, One Half to the Informer or Informers, and the other Half to the Treasurer to the said Company, to be applied for the Purposes of this Act; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody, until Return can conveniently be 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, or before some other Justice of the Peace for the said County or Division, 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 Ten Days from the Time of taking 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 whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant

And in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody, until Return can conveniently be 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, or before some other Justice of the Peace for the said County or Division, 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 Ten Days from the Time of taking 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 whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant

LXXXV.

Warrant of Distress, and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol of the said County, there to remain for any Time not exceeding Six Calendar Months, or until such Penalties or Forfeitures shall be paid or compounded for, which Composition the said Company are hereby empowered to make.

LXXXV. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice of the Peace, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall, on being paid or tendered a reasonable Sum for his, her, or their Loss of Time, Costs, Charges, and Expences, refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath (or in case of a Quaker or Quakers, on solemn Affirmation), and to give Evidence before such Justice of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds.

For compelling the Attendance of Witnesses.

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

For securing transient Offenders.

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

Conviction of Offenders.

to wit. } **BE** it remembered, That on this _____ Day of _____ of _____ in the _____ Year of the _____ Reign of _____ *A. B.* is convicted before His Majesty's Justices of the Peace for the _____ of having [*as the Offence shall be*]; and I [*or we*] the said _____ do adjudge him [*her or them*] to forfeit and pay for the same the Sum of _____ Given under my Hand and Seal [*or our Hands and Seals*] the Day and Year aforesaid.

Form of Conviction.

LXXXVIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Judgment or Determination, or by any Matter or Thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the First General or Quarter Sessions of the Peace to be holden for the _____ County

Allowing an Appeal.

[Local.]

16 A—B

County

County of Hereford next after the Expiration of Twenty-one Days from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Fourteen Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Company, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties, or otherwise, as they shall judge proper; and the said Justices may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Distress not
unlawful for
Want of
Form.

LXXXIX. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of 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 Information, 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 that shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in any Action upon the Case.

Proceedings
not to be
quashed for
Want of
Form.

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

No Plaintiff
to recover
without No-
tice, or on
Tender of
sufficient
Amends.

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

given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

XCII. Provided always, 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, after the Expiration of Three Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall arise, and not elsewhere; and if any such Action or Suit shall be brought before Thirty Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law. Limitation of Actions.

XCIII. And be it further enacted, That if the said Company shall not within Three Years from the passing of this Act complete the said Bridge, and the several Roads, Avenues, and Approaches communicating therewith, 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 whatsoever, (save only as to so much or such Parts thereof as shall be completed within the said Period of Three Years). The Bridge to be completed in Three Years.

XCIV. 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 referred to by the foregoing Act.

No.	OWNERS, or reputed Owners.	OCCUPIERS.	DESCRIPTION.
1.	Samuel Yeates, Esq.	Elizabeth Powell	Meadow.
2.	-	-	Present Road.
3.	The Misses Griffin	-	Waste.
4.	Samuel Yeates, Esq.	Elizabeth Powell	Arable.
5.	Samuel Yeates, Esq.	Elizabeth Powell	Arable.
6.	Samuel Yeates, Esq.	John Gough	Meadow.
7.	Reverend Walter Hill	John Pride	Arable.
8.	Samuel Yeates, Esq.	Thomas Addams	Meadow.
9.	Rev ^d Harry Williams	Rev ^d Harry Williams	Meadow.
10.	Rev ^d Walter Hill	John Pride	Orchard.
11.	Guy Hill, Esq.	William Gismond	Meadow.
12.	William Fisher	William Fisher	Meadow.
13.	Guy Hill, Esq.	Richard Witherston	Meadow.
14.	Rev ^d Harry Williams	Rev ^d Harry Williams	Meadow.
15.	Richard Witherston	Richard Witherston	Garden.
16.	} Mary Swaine	James Bellamy	} Priory Farm.
17.			
18.			
19.			
20.	} River Wye.	-	} Meadow.
21.			
22.	} Miss Nourse	-	} Meadow.
23.			
24.	-	-	-