



ANNO SEPTIMO

GEORGIIV. REGIS.

Cap. iv.

An Act for maintaining and repairing the Bridge over the River *Avon*, at or near *Stratford-upon-Avon*, in the County of *Warwick*, and for widening and improving the Approaches thereto.

[22d March 1826.]

WHEREAS an Act was passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for taking down and rebuilding certain Parts of the Bridge over the River Avon, at or near Stratford-upon-Avon, in the County of Warwick, and for widening the same Bridge, and improving the Approaches thereto*: And whereas the Commissioners appointed by the said Act have proceeded to put the same in Execution, and have for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls thereby authorized to be collected, which Sums still remain due and owing: And whereas several of the Provisions and Powers in the said recited Act contained have been found inconvenient and ineffectue, and it is desirable that the same should be altered and extended, and that further Powers should be granted for repairing the said Bridge, and for widening and improving the Avenues and Approaches thereto; and it would facilitate the Execution of those Purposes if the said recited Act were repealed, and if some of the Powers thereby

[Local.] M given,

52 G. 3. c. 80.

given, and such other Powers and Provisions as may be necessary for repairing and maintaining the said Bridge, and improving the Approaches thereto, were granted and comprised in One Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the Thirty-first Day of *August* next after the passing of this Act, the said recited Act, passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, shall be and the same is hereby declared to be repealed, and instead thereof this Act shall commence and be put in execution for the Purpose of more effectually improving and keeping in Repair the Bridge over the River *Avon* at or near *Stratford-upon-Avon* in the County of *Warwick*, and for widening and improving the Avenues and Approaches thereto; and this Act and the Tolls hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies heretofore borrowed and now due and owing upon the Credit or on account of the said recited Act, or secured upon or made payable out of the Tolls thereby authorized to be taken, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected.

Recited Act repealed, and this Act to take Effect.

Tolls hereby granted shall be subject to the Payment of Debts under former Act.

Former Debts, &c. vested in new Commissioners.

II. And be it further enacted, That all Arrears of Tolls or Rents or other Monies due to, and Property Real or Personal, and all Choses in and Rights of Action either at Law or in Equity vested in the said Commissioners under the said recited Act, shall, immediately on the Commencement of this Act, be vested in the Commissioners for executing this Act, who shall be and they are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and to act in respect thereof as fully and effectually as if the same had become due to or had been vested in them under and by virtue of this Act; or such Arrears of Tolls or Rents or other Monies due to the said Commissioners under such Act by virtue of any Deed or Specialty, shall and may be sued for and recovered in the Name or Names of the Commissioner or Commissioners to or with whom such Deed or Specialty shall have been so made or entered into, at the Option or Election of the Commissioners for executing this Act; and all the Costs to be incurred by the Commissioners or Persons in whose Names such Proceedings shall be had, shall be paid and defrayed by and out of the Monies to be received by virtue of this Act, and the Monies when recovered shall be paid over to the Treasurer or Treasurers of the said Commissioners, to be applied for the Purposes of this Act.

Former Books to be Evidence, and Mortgages, &c. under old Act to be valid.

III. And be it further enacted, That all and every the Books and Book of Proceedings which have been kept by the Commissioners acting in the Execution of the Act hereby repealed, or by their Treasurer or Clerk, under their Direction, according to the Provisions of such Act, and made Evidence thereby, shall be admitted as Evidence

in all Courts, and by all Judges, Justices, and others; and all Conveyances, Assurances, Mortgages, and Securities, and all Deeds, Bonds, Contracts, and Agreements, granted, made, or entered into under the Powers and Provisions of the said recited Act, shall be as valid and effectual to all Intents and Purposes as the same respectively would have been in case the said recited Act had remained unrepealed.

IV. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Warwick*, together with *Arthur Annesley* Clerk, *William Burman*, *Francis Canning*, *Robert Canning*, *Richard Simcoe* Charles Clerk, *William Chattaway*, *John Conolly* Doctor of Medicine, *Michael Corbett*, *Dawkins*, *Alexander Duke*, *John Branston* Freer, *John Gill*, *John Greaves*, *Richard Greaves*, *Edward Townsend Higgins*, *John Higgins*, *Francis Higginson*, *John Hitchman*, *John Andrew Holmes*, *Henry Holyoake* Clerk, *Thomas Hunt*, *Christopher Jeafferson*, *John Theodosius Jones* Clerk, *Francis Fortescue Knottesford* Clerk, *Haughton Langston*, *Egerton Leigh* the younger, *William Little*, *George Lloyd*, *John Gamaliel Lloyd*, *John Lord*, *George Lucy*, *Piennes Sanderson* Miller, *Francis Mills* Clerk, *John Mills*, *Thomas Mills*, *William Oldaker*, *John Peglar* Clerk, *Francis Pennyston*, *Francis Pennyston* the younger, *William Raine* Clerk, *Rawlinson*, *David Rice*, *William Squire Rufford* Clerk, *James Saunders*, *Thomas Sheldon*, *Evelyn* *John Shirley*, *Richard Smith*, *George Frederick Stratton*, *John Tasker*, *Henry Townsend* Clerk, *Edward James Townsend* Clerk, *Samuel Wilson Warnesford* Doctor of Laws, *James Roberts West*, *Thomas Woods Weston*, *William Whateley*, *Robert Bell Wheeler*, *John Whitehead*, *Henry Wyatt*, and the several other Persons from Time to Time to be elected and appointed in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for putting this Act in Execution, and shall be styled and called by the Name of "The Commissioners for repairing the Bridge over the River *Avon* at or near *Stratford-upon-Avon* in the County of *Warwick*," and by such Name and Description shall and may sue and plead, and may be sued, in all Courts and Places whatsoever, and by the same Name and Description shall and may purchase, take, hold, and enjoy any Messuages, Lands, Tenements, or Hereditaments, Goods and Chattels, for the Purposes of this Act, subject to the Provisions and Regulations herein-after contained; and in every Indictment to be preferred for any Felony or Misdemeanor in stealing, taking, carrying away, demolishing, destroying, or damaging any of the Buildings, Works, Materials, Goods, or Chattels of the said Commissioners, it shall be sufficient to state the same to be the Property of the Commissioners for repairing the Bridge over the River *Avon* at or near *Stratford-upon-Avon* in the County of *Warwick*.

V. And be it further enacted, That the said Commissioners, or any Three or more of them, shall and may, at any Meeting to be held for the Purposes of this Act, if they shall deem it fit and proper, elect any other Commissioner or Commissioners, not exceeding the Number of Ten; in addition to the Commissioners herein-before named; and such Commissioners so nominated and appointed shall have and exercise the like Powers and Authorities for carrying this Act

Commis-
sioners.

Appoint-
ment
of new Com-
missioners.

Act into Execution as if they had been nominated in this Act; and in case any of the Commissioners appointed or hereafter to be appointed under or by virtue of this Act, except His Majesty's Justices of the Peace, shall refuse or neglect to act for the Space of Twelve Calendar Months together, after having been duly convened by the Clerk to the said Commissioners, or shall die or become disqualified from acting as a Commissioner by virtue of this Act, then and so often it shall be lawful for the surviving or remaining Commissioners under this Act, or any Three or more of them assembled at the then next or any subsequent Meeting which shall be held by virtue of this Act, and they are hereby required to elect and appoint a Commissioner qualified as herein-after mentioned, in the Room and Stead of every such Commissioner so refusing or neglecting to act, or dying, or becoming disqualified or disabled to act as before mentioned; and every such Commissioner so from Time to Time elected and appointed as herein-before is directed, shall be joined with the other Commissioners, and have the like Power and Authority vested in him in all respects whatsoever for putting this Act in Execution, as if he had been named a Commissioner in and by this Act.

Qualification
of Commis-
sioners.

VI. Provided always, and be it further enacted, That no Person (except His Majesty's Justices of the Peace) herein-before particularly named or hereafter to be appointed as herein-before mentioned, shall be capable of acting as a Commissioner in the Execution of this Act (otherwise than in administering the Oath herein-after mentioned), unless at the Time of his acting he shall be in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or other Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of some Person seised of a Real Estate of the clear yearly Value of Two hundred Pounds above Reprizes; and shall have taken and subscribed an Oath to the following Effect (which Oath any One of the Commissioners is hereby empowered to administer); that is to say,

Oath.

I *A. B.* do swear, That I am truly in my own Right [*or* in Right of my Wife] in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or other Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes; *or*, am Heir Apparent of some Person seised of a Real Estate of the clear yearly Value of Two hundred Pounds above Reprizes; and that I will well and truly execute and perform all and every the Powers and Authorities vested in me in pursuance of an Act made in the Seventh Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], according to the best of my Skill and Judgment. So help me GOD.

And if any Person not being duly qualified, or if any Person duly qualified as aforesaid, during such Time as he shall hold any Place or Office of Profit, or be any way interested or concerned in any Contract to be established or made by virtue of this Act, or in any Work or Business to be done under the same, or be personally interested, except as a Creditor, shall presume to act as a Commissioner, or vote upon any Question in which he shall be personally interested,
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in the Execution of this Act, such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds, together with full Costs of Suit, to any Person who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case or otherwise, wherein no Essoign, Protection, or Wager at Law, or more than One Imparlance shall be allowed; and every Person so sued for having acted as a Commissioner not being duly qualified, shall prove his Qualification as aforesaid, or shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff, than that such Person has acted as a Commissioner in the Execution of this Act: Provided always, that all such Commissioners as are or shall be Justices of the Peace may act as such in the Execution of this Act, except in Cases where they may be personally interested.

Commissioners being Justices may act as such.

VII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Three or more of them, and they are hereby required to meet at the *Unicorn Inn*, within the Parish of *Old Stratford*, in the County of *Warwick*, or at any other convenient Place within the said Parish, or within the Borough of *Stratford-upon-Avon* aforesaid, on the First Day of *September* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon on the Day of such Meeting; and the said Commissioners, or any Three or more of them so assembled, shall and may proceed to put this Act in Execution, and then and from Time to Time afterwards may adjourn themselves to meet, and may meet at such Time and Place within the said Borough, or within the Distance of Two Miles thereof, as the said Commissioners, or any Three or more of them present at any such Meetings shall think convenient; and if Three Commissioners shall not attend at the Time and Place appointed for any such Meeting, then the Clerk to the said Commissioners, or any One Commissioner, shall and may adjourn the Meeting of the said Commissioners, to be held on that Day Three Weeks, at the same Place as the last Meeting of the Commissioners was appointed to be held, and the Clerk to the said Commissioners shall cause Ten Days Notice in Writing thereof to be affixed upon any Toll House or Toll Gate to be continued or erected as herein-after mentioned, or upon some other conspicuous Place on, at, or near the said Bridge; and at all Meetings to be held in pursuance of this Act, the said Commissioners shall defray their own Expences, except for the Use of the Room or Apartment where such Meeting shall be held, which shall be paid for out of any Monies to be received by virtue of this Act; and no Act of the said Commissioners, except as herein particularly mentioned, shall be valid unless made or done at some Meeting to be held by virtue of this Act; and all Powers and Authorities by this Act granted to or vested in the said Commissioners appointed or to be appointed by or by virtue of this Act, shall and may from Time to Time be exercised by the major Part of them present at their respective Meetings to be holden as aforesaid, the Number of Commissioners present at such Meetings not being less than Seven for the Purpose of borrowing Money, and not being less than Five for the Purpose of making Contracts by virtue of this

Meetings of Commissioners.

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Act, and not being less than Three in any other Case, unless where herein otherwise particularly provided for; and in all Cases the said Commissioners shall vote by Ballot, in case the same shall be desired by any Two or more of the said Commissioners then present; and in all Cases where the Number of Votes upon any Question shall be equal (including the Chairman's Vote), the Chairman shall have the casting Vote; and at every Meeting to be held under or in pursuance of this Act, the first Business thereof shall be the Election of a Chairman to preside at the same.

Special Meetings.

VIII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, to hold any Special Meeting between their then last Meeting and the Day to which any subsequent Meeting shall have been then adjourned, so as such Meeting shall be required by Five or more of the said Commissioners, and Notice of such Special Meeting shall be given by affixing a written Notice thereof upon any Toll House or Toll Gate to be continued or erected as herein-after mentioned, or upon some other conspicuous Place on, at, or near the said Bridge; at least Ten Days before the Day to be appointed for the same, and so as that such Notice shall specify the Cause or Causes of such Special Meeting.

Restrictions on revoking Orders.

IX. And be it further enacted, That no Order made by the said Commissioners shall be revoked or altered unless at some Meeting to be required as aforesaid, and to be held for that Purpose (of which Ten Days Notice shall be given as aforesaid, expressing the Occasion of such Meeting), and also unless a greater Number of Commissioners shall attend such Meeting to revoke or alter the same than were present when such Order was made.

Proceedings of the Commissioners to be entered.

X. And be it further enacted, That regular Entries shall be made, in a Book to be provided for that Purpose, of all Acts, Orders, and Proceedings of the said Commissioners, and of the Names of the Commissioners who shall be present at the respective Meetings, and any one or more of the said Commissioners who shall be present shall subscribe his or their Name or Names at the End of the Proceedings of the respective Meetings; and all such Entries so signed shall be deemed Originals, and the same, or true Copies thereof, shall be allowed to be read in Evidence in all Causes, Suits, Actions, Informations, and other Proceedings touching any thing done in pursuance of this Act, or touching any Penalty or Forfeiture hereby made recoverable, or any other Matter relating to the Execution thereof, and such Books shall at all seasonable Times be open to the Inspection of the said Commissioners, and of all and every Persons and Person to whom Money shall be due on the Credit of this Act.

Officers to be appointed, who shall give Security.

XI. And be it further enacted, That the said Commissioners shall from Time to Time, by Writing under their Hands, appoint a Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, and such other Officers and Persons as they shall think proper, and may remove any such Officers and Persons as they shall think proper, and appoint others in their Stead, and shall pay

such Salaries and make such Allowances to all such Officers or Persons as they the said Commissioners shall think reasonable; and the said Commissioners are hereby required to take such Security from every such Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, for the due Execution of their respective Offices, as they the said Commissioners shall think proper.

XII. Provided always, and be it further enacted, That each and every Clerk, Collector, Surveyor, and other Officer, save and except the Treasurer appointed under and by virtue of the said Act hereby repealed, shall hold and enjoy such their several and respective Offices and Employments, until removed therefrom by the Commissioners for executing this Act; and each and every such Clerk, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Old Officers
to continue
until remov-
ed.

XIII. And be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has or have been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, the Clerk or Clerks to the said Commissioners; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any other Place or Office of Profit or Trust under the said Commissioners, 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 with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Clerk not to
act as Treas-
urer, and
vice versâ.

XIV. And

Officers to
account, &c.

XIV. And be it further enacted, That every Treasurer, Engineer, Architect, Surveyor, Collector, Receiver, or other Officer or Servant of the said Commissioners to be appointed or continued as aforesaid, shall, under his or their Hand or Hands, at such Time or Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person or Persons as they 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 of all Monies which shall have been by such Officer, Servant, or Person respectively received for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the 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 Commissioners, or to such Person or Persons as they shall respectively appoint; and if any such Officer, Servant, 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 Commissioners, or to such Person or Persons as they shall respectively appoint, within Fifteen Days after being thereunto required by the said Commissioners, 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 Commissioners, or as they shall respectively direct and appoint, then and in any of the Cases aforesaid, the said Commissioners are hereby empowered to cause to be brought any Action or Actions against the said Officer, Servant, or other Person or Persons so neglecting or refusing, for the recovering of the Monies that shall be in his or their Hands respectively, or upon Complaint to be made by the said Commissioners, or by such other Person or Persons as they respectively shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any One or more Justice or Justices of the Peace of the County, City or Place, wherein the said Treasurer, Collector, Receiver, Officer or Officers, Person or Persons, shall be or reside, such Justice or Justices is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause the Treasurer, Collector, or Receiver, or other Officer or Servant or Person so neglecting or refusing, to be brought before him or them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath; it shall appear to such Justice or Justices 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, Officer or Officers, Servant or Servants, Person or Persons, such Justice or Justices is and are hereby required, upon Nonpayment thereof, by Warrant or Warrants under his Hand and Seal, or their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer, Servant, Person or Persons respectively; and if no such Goods or Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of making and levying the same, or if such Officer, Servant, Person or Persons, shall still

still persist in refusing or neglecting to deliver up all such Monies, Accounts, Receipts, Vouchers, Books, Papers, and Writings as aforesaid to the said Commissioners, or such Person or Persons as they shall appoint, then and in any of the Cases aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol for such County, City, or Place, 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 Commissioners, and shall have paid such Composition in such Manner as they shall appoint, 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 Commissioners; but no Treasurer, Collector or Receiver, Officer or Person committed for Want of sufficient Distress, shall be confined or detained in Prison by virtue of this Act for any longer Space or Time than Six Calendar Months.

XV. And be it further enacted, That the present Bridge over the River *Avon* at or near the said Town or Borough of *Stratford-upon-Avon*, and the Site whereon the same stands, and the Materials thereof, and the present and future Approaches, Roads, and Passages thereto, and also the Toll Houses, Buildings, Gates, Posts, Pales, Rails, Fences, and other Things erected or continued, or to be erected thereon by virtue of this Act, shall belong to and the same are hereby declared to be vested in the said Commissioners.

Bridge, &c. vested in the Commissioners.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to widen, alter, and repair the said Bridge, or so much and such Parts of the same as the said Commissioners shall from Time to Time think proper, and also from Time to Time to cut and level the Banks of the said River in such Manner as they shall think necessary, and to remove or cause to be removed any Shoals or other Obstructions in the said River, within the Distance of Two hundred Yards from the said Bridge, and to carry, land, and place on the Lands and Grounds on either Side of the said River, within such Distance as aforesaid, any Mud, Sand, Gravel, Soil, or other Impediment whatsoever, which they may find it necessary to remove, and also from Time to Time to cut, remove, take, and carry away any Trees, Roots of Trees, Gravel, Sand, Mud, or any other Impediment whatsoever, which may in anywise hinder the widening or repairing of the said Bridge, and to deepen and widen the River for those Purposes; and also to widen the Approaches, Roads, and Passages to and from the said Bridge, in such Manner as may facilitate the Approach to and Passage over the same, and also to do, perform, and execute all other Matters and Things requisite and necessary, useful or convenient for widening or repairing the said Bridge or any Part or Parts thereof, or the Avenues and Approaches thereto; and the said Commissioners shall from Time to Time have full Power and Authority to land on either Side of the said River all Materials and other Things to be used in and about the Purposes aforesaid, and there to work and use such Materials and Things accordingly, they the said Commissioners and the Persons to be appointed by them

Bridge and Approaches may be repaired and improved.

[Local.]

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doing as little Damage as may be, and making such Satisfaction as is herein-after mentioned, to the respective Owners and Occupiers of all such Lands and Grounds as shall be damaged, spoiled, taken, or made use of for the Purposes aforesaid: Provided always, that nothing herein contained shall authorize or empower the said Commissioners to destroy or prevent the Passage over and across the said Bridge; and if the said Commissioners shall at any Time or Times hereafter take down or remove any Part of the said Bridge, for the Purpose of repairing, widening, improving, or altering the same, they shall take down such Part or Parts thereof as will not hinder or obstruct the Passage over the said River, and shall make proper temporary Fences where necessary, so as the Lives of His Majesty's Subjects who may have occasion to pass and repass over the said Passage, may not be endangered.

No Building, except the Toll House, to be erected on the Bridge.

XVII. Provided always, and be it further enacted, That no House or Building whatsoever, except the Toll House and Toll Gate standing thereon, or any future Toll House or Toll Gate to be built in lieu thereof, shall be erected upon the said Bridge, but the same shall be open, except as aforesaid, and be deemed and used as a common Highway for ever.

Commissioners may enter into Contracts.

XVIII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and empowered to contract and agree with any fit Person or Persons, Artificers, Workmen and others, for the making and doing of all and every or any Part of the Works by this Act authorized and directed to be done and performed, or for supplying any Materials for the same, which Contract or Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works shall be completed, and the Penalties to be suffered in case of the Nonperformance thereof, and shall be signed by Five or more of the said Commissioners, and also by the Person or Persons contracting to perform such Works respectively; which Contract or Contracts, or a Copy or Copies thereof, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners; but previous to making any such Contract Ten Days Notice at the least shall be given on the Toll House or Toll Gate upon the said Bridge, and also in some Newspaper published in the County of *Warwick*, expressing the Intention of entering into a Contract for the Purposes aforesaid, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said Commissioners at a certain Time and Place to be mentioned in such Notice.

Plan to remain with the Clerk of the Peace.

XIX. And whereas a Map or Plan, describing the Lines of the intended Alterations in the Approaches to the said Bridge, and the Lands or Grounds through or over which the same are to be made or carried, together with a Book of Reference, containing the Names of the Owners and Occupiers of such Lands and Grounds, has been deposited with the Clerk of the Peace for the County of *Warwick*; be it further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said

said County, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts therefrom at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and the said Commissioners, in making the said intended Alterations, shall not deviate more than One hundred Yards of Three Feet each from the Lines described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviations shall be made.

XX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered to take and use or cause to be taken and used any Houses, Buildings, Lands, Grounds, Tenements, or Hereditaments, and pull down and remove or cause to be pulled down and removed any Houses or Buildings, Tree or Trees, which it may be deemed necessary and expedient to take, use, or pull down and remove, for the Purpose of making, widening, and improving the Approaches and Avenues to the said Bridge, upon giving Six Calendar Months Notice in Writing of such their Intention to the Owner or Owners, Occupier or Occupiers thereof respectively, in Manner herein-after directed.

Power to
take Houses
and Lands.

XXI. Provided always, and be it further enacted, That no House or Building, Garden, planted Walk or Yard belonging to a House, shall be taken or made use of for the Purposes of this Act, except such as are mentioned in the Schedule hereunto annexed, without the Consent in Writing of the Owner or Owners thereof being first had and obtained.

No House,
&c. to be
taken with-
out Consent,
unless men-
tioned in
Schedule.

XXII. Provided also, and be it further enacted, That unless the said Buildings, Grounds, and Hereditaments mentioned in the said Schedule shall be purchased for the Purposes of this Act within Five Years next after the passing thereof, it shall not be lawful for the said Commissioners to take or use any of such Buildings, Grounds, and Hereditaments, without the Consent in Writing of the Owners or Proprietors thereof for that Purpose first had and obtained.

Power of
purchasing
limited to
Five Years.

XXIII. Provided also, and be it further enacted, That if any of the Houses, Buildings, Lands, Grounds, Tenements, and Hereditaments mentioned and described in the Schedule hereunto annexed, shall be inaccurately described, or the Names of any of the Owners or Occupiers thereof, or of any Part thereof, shall happen to be omitted or inaccurately described, and it shall appear to any Two or more Justices of the Peace acting for the County of *Warwick*, and be certified under their Hands, that such inaccurate Descriptions proceeded from Mistake or erroneous Information, then and in such Case the same shall not prevent or retard the Execution of this Act, but the said Premises and every Part thereof shall and may be taken and used for the Purposes of this Act, as fully and effectually

Wrong De-
scription in
the Schedule
not to pre-
vent the Exe-
cution of this
Act.

effectually as if the same was or were properly described in the said Schedule.

Power to Commissioners, their Surveyors, &c. to enter upon Houses, &c.

XXIV. And be it further enacted, That it shall be lawful for the said Commissioners, and for their Surveyor or Surveyors, Officers, and Workmen, from Time to Time, at all reasonable Times in the Day, upon giving in Writing for the first Time Twenty-four Hours, and afterwards from Time to Time, Three Hours previous Notice, to enter into and upon the said Houses, Buildings, Lands, Grounds, Tenements, and Hereditaments, authorized to be taken and used as aforesaid, or any of them, for the Purpose of surveying or valuing the said Premises, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment, on account of entering or continuing upon any Part or Parts of the said Houses, Buildings, Lands, Tenements, and Hereditaments, for the Damage which shall be thereby occasioned.

Commissioners empowered to treat for the Purchase of Houses, &c.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered to treat and agree for the Purchase of any Houses, Buildings, Lands, Grounds, Tenements, and Hereditaments authorized to be taken and used by them as aforesaid, and of any subsisting Leases, Terms, Estates, and Interests therein, and Charges thereon, or such of them or such Part or Parts thereof respectively as the said Commissioners shall think proper.

Bodies Politic, &c. empowered to sell and convey.

XXVI. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Agregate or Sole, Tenants in Tail or for Life, 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 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 whomsoever, and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right or entitled to Dower or any other Interest therein, and for all and every other Persons and Person whomsoever, who are, is, or shall be seised or possessed of or interested in any Houses, Buildings, Lands, Grounds, Tenements, or Hereditaments, which by the said Commissioners shall be thought proper to be purchased for the Purposes of this Act, to contract for, sell, and convey the same, and every or any Part thereof, to the said Commissioners; and all Contracts, Agreements, Bargains, Sales, Conveyances, and Assurances, Acts and Deeds, which shall be made by such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons as aforesaid, shall be valid and effectual in the Law, to all Intents and Purposes whatsoever; and all Bodies Politic, Corporate, or Collegiate, and all Persons whosoever, so contracting or conveying as aforesaid, are hereby indemnified for or in respect of any such Sale which he, she, or they, or any of them, shall respectively make by virtue or in pursuance of this Act.

XXVII. And

XXVII. And be it further enacted, That all and every Bodies and Body Politic, Corporate, or Collegiate, Trustees or Trustee, and other Persons and Person herein-before capacitated to contract for, sell, and convey any such Houses, Buildings, Lands, Tenements, or Hereditaments as aforesaid, and any other Owners or Owner of any such Houses, Buildings, Lands, Tenements, or Hereditaments, or any Share or Shares, Estate or Estates, Interest or Interests therein, Charge or Charges thereon, may accept and receive such Satisfaction or Recompence for the Value thereof; and such Bodies or Body, Trustees or Trustee, Persons or Person, Owners or Owner, and also any Tenant or Tenants for a Year, or from Year to Year, or at Will, or other Occupier or Occupiers of any such Premises, may accept and receive such Compensation for such Good Will or Improvements as shall be lost, and for such Injury or Damage as shall be sustained, by placing Materials or otherwise, on account of the Execution of this Act, or in anywise relating thereto, as shall be agreed upon between them respectively and the said Commissioners; and in case the said Commissioners, and the said Parties interested in such Houses, Buildings, Lands, Tenements, and Hereditaments, Good Will, or Improvements, or sustaining such Injury or Damage, cannot or do not agree as to the Amount or Value of such Satisfaction, Recompence, or Compensation, the same respectively shall be ascertained and settled by a Jury in manner herein-after directed.

Satisfaction to be made, and may be accepted.

XXVIII. And be it further enacted, That if any Body or Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, herein-before empowered to contract for and sell any Houses, Buildings, Lands, Tenements, or Hereditaments, or Interest or Charge thereon, or any other Person or Persons seised of or interested in the same, shall refuse to accept such Purchase Money, Satisfaction, or other Compensation, as shall be offered by the said Commissioners, or any Person or Persons authorized by them on their Behalf, or if any Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, seised or interested as aforesaid, (upon Notice in Writing given to the principal Officer or Officers of such Body or Bodies, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of the Houses, Buildings, Lands, Tenements, or Hereditaments, or affixed upon the same Premises, for the Space of Twenty-one Days next after such Notice,) shall neglect or refuse to treat or agree, or shall not agree, or by reason of Absence, Disability, or other Impediment, cannot agree, as aforesaid, for the Sale of such Houses, Buildings, Lands, Tenements, or Hereditaments, or their respective Shares, Estates, or Interests therein, or cannot be found or known, or shall not produce or evince a clear Title to the Premises they may be in Possession of, or to the Interest they may claim therein, to the Satisfaction of the said Commissioners, then and in every such Case the said Commissioners shall and they are hereby empowered and required from Time to Time to issue a Warrant under the Hands and Seals of any Three or more of them, directed to the Sheriff of the said County of *Warwick*, commanding such Sheriff to impanel, summon, and return a Jury, and such Sheriff is hereby authorized and required accordingly to impanel, summon,

Where Parties refuse to accept Satisfaction, &c.

[Local.]

P

and

and return Twenty-four substantial and indifferent Persons qualified to be returned for the Trial of Issues in His Majesty's Courts of Record at *Westminster*; and the Persons so to be impannelled, summoned and returned as aforesaid are hereby required to appear before such Sheriff at such Time and Place as in such Warrant or Warrants shall be appointed, and out of such Persons so to be impannelled, summoned, and returned, a Jury of Twelve Men shall be drawn in such Manner as Juries for the Trial of Issues joined in His Majesty's Courts of Record at *Westminster* are directed to be drawn; and the said Sheriff is hereby required to swear, or cause to be sworn, the said Twelve Men, or such of them as shall appear; and in case a sufficient Number of Jurymen shall not appear at the Time and Place to be appointed as aforesaid, the said Sheriff shall return and cause to be sworn other substantial, honest, and indifferent Men of the By-standers, or of others who can speedily be procured to attend that Service, being so qualified as aforesaid, to make 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, but shall not be at Liberty to challenge the Array; and the said Sheriff is hereby empowered and required, by a Summons or Notice to be signed by such Sheriff, either previously to or at the Time of any such Meeting or Meetings, to summon and call before him all and every or any Persons or Person whomsoever who shall be thought proper and necessary to be examined as Witnesses or a Witness, on their, his, or her Oaths or Oath, touching or concerning the said Premises; and the said Sheriff, if he shall think fit, shall and may, on the Application of either Party, likewise authorize the said Jury, or any Threè or more of them, to view the Place or Places in question, in such Manner as he shall direct; and the said Sheriff shall have Power to adjourn such Meeting from Day to Day, as Occasion shall require, and to command the Jury, Witnesses, and Parties to attend until all such Affairs for which they were summoned shall be concluded; and the said Jury upon their Oaths (which Oath, as well as the Oaths of 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 and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of any Houses, Buildings, Lands, Grounds, Tenements, or Hereditaments, to be made to the Owner or Owners, Occupier or Occupiers, or other Body or Bodies Politic, Corporate or Collegiate, Trustee or Trustees, Person or Persons interested in such Houses, Buildings, Lands, Grounds, Tenements, or Hereditaments, or any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, as in such Warrant or Warrants shall be directed; and the said Sheriff shall give Judgment for such Purchase Money, Satisfaction, Recompence, or Compensation so to be assessed, and shall order the same Sum or Sums to be paid by the said Commissioners to the said Owner or Occupier, or other Person or Persons, according to the Verdict of such Jury respectively; and the said Verdict or Verdicts, and the said Judgment or Judgments, Order or Orders thereupon, shall be signed by the said Sheriff, and shall be binding and conclusive to all Intents and Purposes upon all Bodies and Persons whomsoever, and shall not be removed by Certiorari, or any other Process, into any of His Majesty's Courts at *Westminster*.

XXIX. And be it further enacted, That the said Sheriff and Juries shall in their Awards, Determinations, Judgments and Verdicts concerning the Value of Houses, Buildings, Lands, Tenements, and Hereditaments, separately and distinctly proportion the Sum to be paid for any particular Share or Shares, Estate or Estates, Interest or Interests therein; or Charge or Charges thereon, and also any Damages to be sustained by any Body or Bodies, Person or Persons, in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon such Houses, Buildings, Lands, Tenements, and Hereditaments, or particular Share or Shares, Estate or Estates, Interest or Interests therein, Charge or Charges thereon, and the Money adjudged for such Damages as aforesaid, separately and apart from each other.

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

XXX. And be it further enacted, That if any Person 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, or shall not give his Verdict, or shall in any other Manner wilfully neglect his Duty therein, he shall be 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 Compensation for his, her, or their Costs, Charges, and 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 shall, upon Proof thereof made before Two of His Majesty's Justices of the Peace for the County in which the Matter in question shall arise, upon the Oath of One or more credible Witness or Witnesses, 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 such Justice, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to such Person the Overplus after such Penalty and the Charges of such Distress and Sale shall be deducted; and every such Penalty which shall be paid by or recovered from any Person who shall 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.

The Jury to be under the same Regulations as in the Courts at *Westminster*.

XXXI. And be it further enacted, That all and every Persons and Person who in any Examination to be taken by virtue of this Act shall wilfully give false Evidence, or otherwise forswear themselves or himself before any such Jury, may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishment and Disqualification as any Person or Persons can or may be subject to by the Laws for wilful and corrupt Perjury.

For punishing Persons guilty of Perjury.

XXXII. And

Verdicts of
Juries to be
recorded.

XXXII. And be it further enacted, That all such Verdicts and Judgments, and all Receipts which the Cashier or Cashiers of the Bank shall give for any Sum or Sums of Money paid into the Bank in manner herein-after mentioned, in consequence of any Verdict or Judgment, shall be transmitted to and 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 *Warwick*, and shall be deposited with the Records of such Quarter Sessions; and the said Verdicts, Sentences, Decrees, or Orders, or other Proceedings, shall be deemed and taken to be Records to all Intents and Purposes whatsoever, and the same, or true Copies thereof, shall be deemed and taken to be good and sufficient Evidence thereof in any Court or Courts of Law or Equity 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.

Expences of
Jury and
Witnesses by
whom to be
paid.

XXXIII. And be it further enacted, That all the Expences of causing and procuring such Satisfaction, Recompence, or Compensation to be assessed and awarded as aforesaid, and of so assessing and awarding the same, shall be settled by some Justice of the Peace for the County in which such Assessment or Award shall be made, not interested in the Matter in question (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), and such Expences shall be paid as herein-after is mentioned; (that is to say), if a Verdict shall be given for a greater Sum as a Satisfaction for the absolute Sale of any Houses, Buildings, Lands, Tenements, or Hereditaments, or any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or as a Compensation or Recompence for any Damage done or to be done to any Houses, Buildings, Lands, Tenements, or Hereditaments as aforesaid respectively, than shall have been previously offered by or on the Behalf of the said Commissioners, or if a Verdict shall be given for any Sum or Sums of Money as a Compensation for any Damages (when the Dispute is respecting Damages only), and where no Compensation shall have been previously offered by or on the Behalf of the said Commissioners, or in case by reason of Absence or other Impediment or Disability, there shall not be found any Person or Persons at hand legally capacitated to contract with and make Conveyance to, or receive Compensation from the said Commissioners, then such Expences shall be paid by the said Commissioners; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels vested in the said Commissioners, or of any Goods or Chattels vested in the Treasurer to the said Commissioners continued or appointed in pursuance of this Act, (unless such Treasurer shall pay such Costs and Expences out of any Money received by him by virtue of this Act, and which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace for the County in which the same shall

shall be, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences; and if any Verdict shall be given for the same or for a less Sum of Money than shall have been previously offered by or on behalf of the said Commissioners, or for Damages (where the same Dispute is for Damages only), One Moiety of the said Expences shall be paid by the said Commissioners, and may be recovered in manner aforesaid, and the other Moiety thereof shall be paid by the Body or Bodies Politic, Corporate, or Collegiate, Person or Persons entitled to or claiming such Satisfaction, Recompence, or Compensation; and the said Commissioners are hereby authorized and empowered to deduct and retain the said Moiety of the said Expences out of the Sum or Sums of Money so to be assessed or awarded as aforesaid, or out of any Part thereof, and a Payment or Tender of the Remainder of all 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 or awarded as aforesaid; and in case no Damages shall be given by any Verdict where the Dispute is for Damages only, such Expences shall be paid by the Body or Bodies Politic, Corporate, or Collegiate, Person or Persons claiming Damages, and shall be recovered by the said Commissioners in the same Manner as is herein-after provided for the Recovery of any Penalty or Forfeiture incurred by or under this Act.

XXXIV. And be it further enacted, That all and every Bodies and Body, Persons and Person, requiring a Jury to be summoned, shall (before a Warrant shall be issued for that Purpose) enter into a Bond with Two sufficient Sureties to the Clerk of the said Commissioners in a Penalty of One hundred Pounds, with a Condition to pay and bear their, his, or her Moiety of the Costs and Expences of summoning such Jury and taking such Verdict, in case the same shall be given for no greater or a less Sum than had been offered by or on the Behalf of the said Commissioners before the impannelling, summoning, or returning the said Jury or Juries, for the Purpose of or as a Recompence for any Lands or other Hereditaments, or as a Compensation for any Damages, or the Whole of such Costs and Expences in case no Verdict shall be found for Damages where the whole Dispute was whether any Damages were not done as aforesaid.

Persons requesting Juries to enter into Bonds.

XXXV. And be it further enacted, That the said Commissioners shall not be obliged or allowed by virtue of this Act to receive or take notice of any Complaint or Complaints to be made by any Body or Bodies Politic, Corporate, or Collegiate, Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained or supposed to be sustained by virtue or in consequence of this Act, unless Notice in Writing shall have been given by or on the Behalf of any such Person or Persons to the Clerk of the said Commissioners within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Notice to be given to the Commissioners within Six Months after Damage sustained.

XXXVI. And be it further enacted, That upon Payment of legal Tender of such Sum or Sums of Money as shall have been contracted

Lands to vest in Commissioners on

[Local.]

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contracted

Payment or
Tender of
Satisfaction.

contracted and agreed, or shall have been assessed or awarded by any Jury in manner aforesaid, to be paid for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments, to any Person or Persons, Body or Bodies entitled to receive the same, or his, her, or their Agent or Agents, or into the Bank of *England*, as herein-after directed and required (in case the same shall be requisite), such Houses, Buildings, Lands, Tenements, and Hereditaments, or Parts or Shares, Estates, Interests, or Charges, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, at Law and in Equity, of the Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, or unknown Person or Persons, to whose Credit such Money shall be paid, in, to, or out of the Houses, Buildings, Lands, Tenements, Hereditaments, and Premises to be purchased as aforesaid, shall vest in and become the sole Property of the said Commissioners for the Purposes of this Act for ever, and they shall be deemed in Law to be in the actual Seisin and Possession thereof to all Intents and Purposes whatsoever, as fully and effectually as if any Body Politic, Corporate, or Collegiate, or Person, having any Estate in the Premises, had duly conveyed the same with Livery of Seisin, or by any Conveyance or Assurance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, to whom the same ought to have been paid, but also shall extend to and be deemed and construed to bar the Dower or Dowery of the Wife or Wives of such Person or Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, Expectancy, or Contingency, and the Issue or Issues of such Person or Persons, and every other Person or Persons whomsoever interested therein.

Application
of Compensation
Money
if amounting
to 200*l.*

1 G. 4. c. 35.

XXXVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Houses, Buildings, Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein-before mentioned, 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 the Court of Exchequer at *Westminster*, to be placed to his Account *ex parte* the Commissioners for repairing the Bridge over the River *Avon* at *Stratford-upon-Avon* in the County of *Warwick*, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty, 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 may be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Houses, Buildings, Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge

charge of any other Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid, affecting the same Houses, Buildings, Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the same Uses, Trusts, Intents, and Purposes, and in the same Manner as the Houses, Buildings, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making the 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 such Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXXVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Houses, Buildings, Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Houses, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Three or more of the Commissioners for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such principal Money and the Dividends arising thereon may be applied in any manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Where less than 200*l.* and exceeding 20*l.*

XXXIX. Pro

Where not
exceeding
20l.

XXXIX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Houses, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of
not making
out Titles,
the Money to
be paid into
the Bank.

XL. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Houses, Buildings, Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Houses, Buildings, 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 Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting
disputed
Titles to
Money.

XLI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer in pursuance of this Act, for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased 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 Person or Persons who would have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments; according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XLII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance thereof, 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 Commissioners, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court may order reasonable Expences of Purchases to be paid in certain Cases.

XLIII. And be it further enacted, That all and every Persons and Person who shall have any Mortgage or Mortgages or be entitled to any Sum or Sums of Money due on Judgment or other Security or otherwise charged on such Houses, Buildings, Lands, Tenements, or Hereditaments, as shall be taken or used by virtue of this Act, or any Parts or Shares thereof, not being in Possession thereof or any Parts or Shares thereof by virtue of such Mortgage or Mortgages or Security or Securities, shall, on the Tender of the Principal and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Commissioners, or by such Person or Persons as they shall appoint, immediately convey, assign, release, and transfer such Mortgage or Mortgages, Security or Securities, Charge or Charges, to the said Commissioners, or such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees, or other Person or Persons, shall have Notice in Writing from the said Commissioners, or such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the Mortgage or Mortgages, Charge or Charges, at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, then at the End of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees, Person or Persons, shall convey, assign, release, and transfer his, her, or their

Mortgagees on Tender of Principal and Interest to convey.

[Local.]

R

Interest

Interest in the Premises to the said Commissioners; and in case such Mortgagee or Mortgagees, Person or Persons, shall refuse to convey, assign, release, or transfer as aforesaid on such Tender or Payment, then all Interest on every such Mortgage, Security, or Charge shall from thenceforth cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, Security or Securities, Charge or Charges, with all Interest due thereon, shall amount to more than the real Value of the said Houses, Buildings, Lands, Tenements, or Hereditaments, or the Part or Parts thereof which shall be taken for the Purposes of this Act, such Value to be ascertained in manner herein-before directed, then the said Commissioners shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of such Premises, to be determined as aforesaid.

On Neglect
or Refusal of
Mortgagees
to convey.

XLIV. Provided always, and be it further enacted, That in case any such Mortgagee or other Person shall neglect or refuse to convey or assign or release as aforesaid, then upon Payment of the Principal Money and Interest due upon any such Mortgage into the Bank, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, or Person or Persons entitled thereto, the Cashier or Cashiers shall give a Receipt or Receipts for the said Money, in like Manner as herein-before directed in case of other Payments into the Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand whatsoever of the said Mortgagee or Mortgagees or other Person or Persons, and of all and every Persons and Person in trust for him, her, or them, shall vest in the said Commissioners, and they shall be deemed to be in the actual Possession of the said Premises comprised in such Mortgage or Mortgages: Provided also, that if the Money and Interest due in respect of any Mortgage or Mortgages, Security or Securities, Charge or Charges, on the Houses, Buildings, Lands, Tenements, or Hereditaments, or Part or Parts thereof which shall be purchased or taken by virtue of this Act, shall amount to more than the Value of the Premises charged therewith, or such of them, or of such Part or Parts thereof as shall be purchased or taken by virtue of this Act, such Mortgagee or Mortgagees, Person or Persons shall, upon Payment or Tender of the Sum to be ascertained as the Value of the Houses, Buildings, Lands, Tenements, or Hereditaments, or Part or Parts thereof to be taken or purchased as aforesaid, forthwith convey, assign, release, and transfer his, her, or their Interest and Demand in and to the several Houses, Buildings, Lands, Tenements, and Hereditaments, or Part or Parts thereof, to the said Commissioners; and in default of so doing, and on Payment of such Money into the Bank of *England* for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned, and thereupon all the Estate, Right, Title, Interest, Property, Claim, and Demand whatsoever of the said Mortgagee or Mortgagees, Person or Persons as aforesaid, and of all and every Persons and Person in trust for him, her, or them, in the said Houses, Buildings, Lands, Tenements, and Hereditaments, or Part or Parts thereof, the Value whereof shall be so ascertained and paid into the Bank as aforesaid, shall vest in the said Commissioners, and they shall be deemed to be in the actual Possession

Possession of the said Premises, to all Intents and Purposes whatsoever, and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees.

XLV. And be it further enacted, That if the Money and Interest due in respect of any Mortgage or Mortgages, Security or Securities, Charge or Charges, on any Houses, Buildings, Lands, Tenements, or Hereditaments, or Part or Parts thereof, which shall be taken or purchased by virtue of this Act, shall amount to more than the Value of the Premises charged therewith, or such of them, or such Part or Parts thereof as shall be purchased or taken by virtue of this Act, the Mortgagor or Mortgagors, or other Person or Persons entitled to the Redemption thereof, or to the same Premises subject thereto, shall upon Payment or Tender of the Sum to be awarded as the Value of the Houses, Buildings, Lands, Tenements, or Hereditaments, or the Part or Parts thereof to be purchased or taken as aforesaid, to such Mortgagee or Mortgagees, Person or Persons entitled thereto, or into the Bank as aforesaid, forthwith without any Consideration convey, assign, or release his, her, or their Right, Equity of Redemption, or Estate or Interest in such Houses, Buildings, Lands, Tenements, or Hereditaments, or Part or Parts thereof, to the said Commissioners, and in default of so doing shall be and are hereby barred and foreclosed from all Right or Equity of Redemption of and in the same Premises, and all the Estate, Right, Title, Interest, Property, Claim, and Demand of him, her, or them, and every Person in trust for him, her, or them, in the same Premises, shall vest in the said Commissioners, and they shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever.

Mortgagors
to convey or
to be fore-
closed.

XLVI. And be it further enacted, That all and every Bodies and Body Politic, Corporate, or Collegiate, Persons and Person, in the actual Possession of any Houses, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof to be taken or purchased by virtue of this Act, as Owner, Leaseholder, Tenant at Will, or Lessee for a Year, or for any shorter Time or otherwise, shall at the Expiration of Six Calendar Months after Notice in Writing from the said Commissioners, or their Agent duly authorized, shall have been left at or affixed upon the same Premises, or as soon after as he, she, or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Commissioners, or the Person or Persons authorized by them in Writing under the Hands of any Three or more of them to take Possession thereof, whether such Notice be given with Reference to the Time of the Holding or not, the said Commissioners making such Recompence or Compensation to all and every such Bodies or Body Corporate or Collegiate, Person or Persons, for delivering up Possession of the same Premises, as shall be agreed upon between them, him, or her and the said Commissioners; and in case such Bodies or Body Politic, Corporate, or Collegiate, Person or Persons, and the said Commissioners, shall not agree as to the Amount or Value of such Recompence or Compensation, then the same shall be ascertained and settled by the Verdict of a Jury, in manner hereinbefore directed for ascertaining or settling the Value of or Recompence for Houses, Buildings, Lands, Tenements, Hereditaments, and Premises

Tenants at
Will, &c. to
deliver Pre-
mises on Six
Calendar
Months
Notice.

Premises to be taken or used for the Purposes of this Act; and if any such Bodies or Body Politic, Corporate or Collegiate, Persons or Person, shall refuse to give up such Premises as aforesaid, such Recompence (if any) being first paid or tendered, it shall be lawful for the said Commissioners, and they are hereby empowered and required to issue a Precept or Precepts, under the Hands of any Three or more of them, to the Sheriff of the County where the same Premises respectively are situate, to deliver Possession of the Premises to such Person or Persons as in such Precept or Precepts shall be nominated to receive the same; and the said Sheriff is hereby required to deliver such Possession accordingly of the same Premises, and to levy such Costs as shall accrue from the issuing of such Precept or Precepts on the Person or Persons so refusing to give up such Possession as aforesaid, by Distress and Sale of his, her, or their Goods: Provided always, that in case any Bodies or Body Politic, Corporate, or Collegiate, Persons or Person, Tenants or Tenant at Will, or Lessees or Lessee for a Year, who shall be entitled to Compensation by virtue of this Act, shall be desirous of delivering up the Possession of the Premises in their, his, or her Possession, at the Expiration of Three Calendar Months next after such Notice shall have been left or affixed upon the same Premises for that Purpose as aforesaid, notwithstanding they, he, or she may not be then required so to do, then and in every such Case the said Commissioners shall, immediately after the Expiration of the said Three Calendar Months, or so soon after as the same Sum or Sums of Money to be paid for Satisfaction or Compensation to such Bodies or Body Politic, Corporate, or Collegiate, Persons or Person, shall be agreed upon or awarded, cause Possession to be taken of the same Premises, and the Sum or Sums of Money so to be agreed upon or awarded for Compensation as aforesaid to be thereupon paid.

Money to be paid before any Use made of the Premises.

XLVII. Provided always, and be it further enacted, That all Sums of Money or other Considerations, Recompence, or Satisfaction to be paid pursuant to any such Agreement or Verdict as aforesaid, shall be paid or tendered to the Party or Parties entitled to the same, or into the Bank of *England* as herein mentioned, before the said Commissioners or any Person or Persons authorized by them shall proceed to take Possession of or to use any Houses, Buildings, Lands, Tenements, or Hereditaments comprised in or affected by such Agreement or Verdict respectively, or any Part thereof, for any of the Purposes of this Act, unless Leave shall be given for that Purpose in Writing by the Owners or Occupiers of such Houses, Buildings, Lands, Tenements, or Hereditaments, and in case any Person or Persons shall enter upon any such Premises for any of the Purposes of this Act, before such Payment or Deposit into the Bank of *England* as aforesaid shall have been made (except by Consent as aforesaid), every Person so offending shall forfeit and pay the Sum of Five Pounds for every Day he shall remain in Possession of the said Premises.

Power to resell Lands not wanted.

XLVIII. And be it further enacted, That it shall be lawful for the said Commissioners to sell and dispose of, and by Indenture under the Hands and Seals of any Five or more of them absolutely to grant
and

and convey, such Part or Parts of the Houses, Buildings, Lands, Tenements, or Hereditaments which shall be so purchased by or conveyed to or vested in the said Commissioners as aforesaid, and which shall not be wanted for the Purposes of this Act, and also to lay out and appropriate any Part of the said Lands, Tenements, and Hereditaments as and for a Road or Roads, Way or Ways, Avenue or Avenues, Passage or Passages; and that all such Conveyances from the said Commissioners shall be valid and effectual, any Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Monies which shall arise by the Sale or Sales of such Houses, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parcel thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Commissioners to give and sign Receipts for the Money for which the same shall be sold; which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for such Houses, Buildings, Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof as shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received, and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money or any Part thereof.

XLIX. Provided always, and be it further enacted, That the said Commissioners, before they shall sell and dispose of such Houses, Buildings, Lands, Tenements, or Hereditaments, or any Charge or Interest therein, shall first offer to sell the same to the Owner of the adjoining Land, or to the Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, from whom they shall have purchased the same, for such Estate or Interest as such Person or Persons had therein, and had sold to the said Commissioners, at a Price to be paid to the said Commissioners; and in case the said Commissioners and such Person or Persons shall not agree as to the Price or Prices thereof, and such Person or Persons shall nevertheless signify his, her, or their Desire to purchase the same, by a Notice in Writing to be given to or left with the Clerk to the said Commissioners within Twenty Days after Offer made, at a Price to be adjusted and settled by a Jury to be summoned as in case of Purchases to be made by the said Commissioners as herein mentioned, *mutatis mutandis*, which Notice shall be deemed an actual Contract for Purchase of the said Premises as against the Party or Parties giving the same, at the Price which shall be adjusted and settled by such Jury; and in case such Body or Bodies, Person or Persons, shall not agree to repurchase such aforesaid Interest therein, or shall not give such aforesaid Notice of his, her, or their Intention of purchasing the same within Twenty-one Days after such Notice for Sale, then and in every such Case, an Affidavit being made and sworn before a Master or a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Houses, Buildings, Lands, Tenements, or Hereditaments shall be situate, by some competent Person or Persons, stating that such Offer was made by or on the Behalf of the said Commissioners, and was not then and thereupon agreed to by the Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, to whom the same was made, and that

First Offer to whom to be made.

[Local.]

S

such

such Notice as aforesaid was given, shall in all Courts be sufficient Evidence and Proof that such Offer was made and was not agreed to by the Body or Bodies Politic, Corporate or Collegiate, Person or Persons, to whom it was made (as the Case may be), and that such Notice as aforesaid was not given; and that all Money which shall arise by any Sale or Sales, or Demise or Demises, which may be made by the said Commissioners of such Premises, Estates, and Interests as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers, Lessee or Lessees thereof, shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

The Words
"Grant, Bar-
gain, and
Sell," to ope-
rate as Cove-
nants for
Title.

L. And be it further enacted, That in all Grants and Conveyances to be made by the said Commissioners under or by virtue and in pursuance of the several Powers and Authorities to them hereby given, the Words "Grant, Bargain, and Sell," shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee, Lessee, or Purchaser, his, her, and their Heirs, Executors, Administrators, and Assigns, from the said Commissioners for themselves and their Successors, that they the said Commissioners, notwithstanding any Act done by them, were at the Time of the Execution of such Grant or Conveyance seised of the Hereditaments and Premises thereby granted, conveyed, and sold, for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, for quiet Enjoyment thereof against the said Commissioners and all claiming under them, and that all such Purchasers shall be indemnified and saved harmless by the said Commissioners and their Successors.

Power to
clear the
Ground and
sell old Ma-
terials.

LI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, to pull down or cause to be pulled down all Houses and other Erections and Buildings which shall be purchased or taken by virtue of this Act, or such of them or such Parts thereof as they shall think proper to be pulled down, and to level and clear the Ground whereon the same shall stand, and all other the Ground to be purchased or taken by virtue of this Act, in such Manner as they shall think proper, and to sell or cause to be sold the Materials of the Houses and other Buildings to be taken down and removed pursuant to this Act; and the Monies to be produced by the Sale thereof, (after deducting the Expences of pulling down such Houses and Buildings respectively and of such Sale or Sales), and also the Rents and Profits of the said Houses, Buildings, Lands, Grounds, Tenements, and Hereditaments to be purchased or taken by virtue of this Act, until the same shall be pulled down or cleared, shall be applied and disposed of for or towards the Purposes of this Act or any of them.

Power to
take Mate-
rials.

LII. And be it further enacted, That it shall be lawful for the said Commissioners, or their Surveyor or Surveyors, and such Person or Persons as they shall appoint, to search for, dig, gather, and take away any Gravel, Earth, Sand, Stones, or other Materials for repairing the said Bridge, or for repairing or making any of the pre-

sent

sent or future Approaches thereto, or for any of the Purposes of this Act, out of or from any common River or Stream, or from any Moor, Waste, or common Grounds within the Borough of *Stratford-upon-Avon*, or within the Parish of *Old Stratford*, or within any adjoining Parish, and to haul and carry away any such Materials when got over any common or waste Lands without paying any thing for such Materials, and without being deemed a Trespasser or Trespassers; the said Surveyor or Surveyors or other Person or Persons filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying or tendering for the Damages occasioned by going over or through any inclosed Lands or Grounds for or with such Materials, such Damages to be ascertained as hereinafter mentioned; and also that it shall be lawful for the said Commissioners or their Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to search for, dig, get, gather, take and carry away any such Materials in or out of the Land of any Person or Persons where the same may be had or found within the Limits aforesaid, (not being a Garden, Yard, Park, Paddock, planted Walk or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, as the said Commissioners shall judge reasonable; and also to land on and carry through or over any inclosed Lands or Grounds (not being a Garden, Yard, Paddock, planted Walk, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), or on, through, or over any open Land or Common, any Stone or other Materials for repairing the said Bridge, or repairing or making the present or future Approaches thereto, or for repairing or building the present or any future Toll House or Toll Houses on or belonging to the said Bridge, from any River, Stream, or Canal within the Limits aforesaid, paying or tendering for the Damage done in landing on or going through or over any inclosed Lands or Grounds for or with such Materials such Sum or Sums of Money as the said Commissioners shall think reasonable; and in case of any Difference between the said Commissioners, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners or Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County or Place in which such Lands or Grounds shall be situate, on Ten Days Notice thereof being given in Writing by either Party to the other, shall and may adjudge and determine the Matter of such Payments and Damages, and the Costs attending the hearing and determining the same.

LIII. And be it further enacted, That it shall be lawful for the said Commissioners to continue or to remove the Toll House and Toll Gate now standing and being in and upon the said Bridge, by virtue of the said Act hereby repealed, and also from Time to Time to erect or cause to be erected such other Toll House and Toll Gate,

Power to
continue and
erect a Toll
Gate.

Posts,

Posts, Pales, Rails, Chains, Bars and Fences upon or across the said Bridge, or at or near the Ends thereof, as they shall think proper, and from Time to Time to take down and remove or alter and discontinue the aforesaid Toll House and Toll Gate, Posts, Pales, Rails, Chains, Bars and Fences, or any of them, as the said Commissioners shall from Time to Time think proper and expedient.

Power to
take Tolls.

LIV. And be it further enacted, That it shall be lawful for the said Commissioners, or any Person or Persons to be appointed or continued Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls following at the Toll Gate or Toll Gates, Bars or Chains, which are or is or shall be standing or being or continued or erected by virtue of this Act, once on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

For every Horse, Mule, or other Beast, drawing any Coach, Chariot, Sociable, Landau, Berlin, Vis-a-Vis, Barouche, Phaeton, Curricule, Calash, Chaise, Chair, Gig, Whiskey, Taxed Cart, Caravan, Hearse, Litter, or other such Carriage, the Sum of Three-pence :

For every Horse, Mule, or other Beast, drawing any Waggon, Cart, or other such Carriage, the Sum of Three-pence :

For every Horse, Mule, or Ass, not drawing, One Penny :

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

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

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast or Cattle, or Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through any such Toll Gate, Bar, or Chain; and such respective Tolls and Sums of Money shall be and are hereby vested in the said Commissioners, and shall be applied in manner herein-after directed.

Only One
full Toll to be
taken.

LIV. Provided always, and be it further enacted, That no more than One full Toll shall be demanded or taken of or from any Person or Persons, for or in respect of the same Horse or Horses, or other Beasts or Cattle, or Carriage or Carriages, in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, for passing and repassing through all or any of the Toll Gates or Toll Bars erected or continued or to be erected on the said Bridge, or on the Avenues and Approaches thereto.

StageCoaches
to pay every
Time.

LVI. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Cattle drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, for every Time of passing or repassing over the said Bridge, and also for and in respect of all Horses or other Beasts drawing any Post Chaise, or other Carriage travelling for Hire, for every Time of passing

passing or repassing over the said Bridge, whenever a new Hiring of such Post Chaise or other Carriage shall have taken place.

LVII. And be it further enacted, That the said Commissioners shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every Toll Gate erected or continued or to be erected by virtue of this Act, a Table painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Tolls payable at such Gate 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, and also a List of the several Gates, if any, which shall be cleared by the Payment of the Toll at the Toll Gate or Bar where such Table of Tolls shall be fixed; and in case there shall at any Time or Times be more than One Gate, the said Commissioners shall also provide Tickets denoting the Payment of the Toll, and on such several Tickets shall be named and specified the Name of the Gate at which the same shall respectively be delivered, and also the Names of the several Gates freed by such Ticket, one of which Tickets shall be delivered *gratis* to the Person paying the Toll; and on the Production of such Ticket at any Gate or Gates therein mentioned to be cleared as aforesaid by the Payment of the Toll at the Gate where such Ticket was delivered, the Person producing the same shall pass through the Gate or Gates therein mentioned without paying any additional Toll.

Table of Tolls to be put up and Tickets to be provided.

LVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to demand or take or cause to be demanded or taken any Tolls, for or in respect of any Passenger, Horse, Mule, Ass, or other Beast, at any Toll Gate, but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Toll Gate.

Tolls to be taken only whilst Boards are fixed.

LIX. And be it further enacted, That none of the Tolls hereby authorized to be taken shall be demanded, taken, or received at any Toll Gate erected or continued or to be erected upon the said Bridge for any Horses or Carriages attending or going to attend or returning from having attended His Majesty or any of the Royal Family, or for any Horses, Cattle, or Carriages of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom, nor for the Horses belonging to any Officers or Soldiers on their March or on Duty, nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, 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, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, nor from any Rector, Vicar, or Curate going

General Exemptions from Toll.

[Local.]

T

to

to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners, nor from any Person or Persons going to or returning from his, her, or their parochial Church, Chapel, or other usual Place of Religious Worship, on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or attending the Funeral of any Person or Persons who shall die and be buried in the Parish or Borough of *Stratford-upon-Avon*, nor for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Warwick*, or of carrying or conveying Vagrants sent by legal Passes, or of carrying or conveying or returning from carrying or conveying any Prisoner or Prisoners under any legal Warrant, or of carrying or conveying any Dung, Mould, Manure, Compost, or Lime to be used only in manuring of Land, or going or returning empty in that Employment, nor for any Horses, Beasts, or Cattle going to or returning from one Pasture to another in the Occupation of the same Person, or employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, have been employed only in carrying or conveying any Plough, Harrow, or other Implement of Husbandry, unless the Carriage bearing any such Plough, Harrow, or other Implement of Husbandry be also laden with any other Thing not hereby intended to be exempted from Payment of Toll, nor for any Horse, Beast, or Cattle passing to or repassing from Water or Pasture, nor for any Horse, Beast, or other Cattle, when going to or returning from being shod or farried, nor for any Horse, Beast, or Cattle used or employed for the Purpose only of carrying or conveying Materials for making or repairing any Highway or public Road within the Borough of *Stratford-upon-Avon*, or for repairing the said Bridge, nor for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps at the Time of claiming the Exemption; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

Commissioners may compound for Tolls.

LX. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think fit, to compound and agree by the Year or otherwise with any Person or Persons travelling over the said Bridge, or through the said Toll Gate, for the Passage of his, her, or their Carriages, Beasts, Cattle, and Swine, for any Sum or Sums of Money to be paid Quarterly or otherwise to the Treasurer to the said Commissioners, as the said Commissioners shall from Time to Time think reasonable, for and in lieu of the Tolls payable for the same by virtue of this Act; such respective Compositions to be paid from Time to Time after such Agreement shall be made, and the First Quarter's Composition shall be advanced and paid immediately,

and be continued on in like Manner during such Time as the said Commissioners shall think proper.

LXI. And be it further enacted, That all Agreements and Compositions made by the said Commissioners respecting the said Tolls, with any Person or Persons whomsoever, shall be entered at Length in a Book or Books to be kept for that Purpose by the Clerk or Treasurer appointed by the said Commissioners, which Books shall and may be inspected by any Person whomsoever having Interest therein, without Fee or Reward.

Agreements and Compositions to be entered in a Book.

LXII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, as often as they shall think fit, to reduce the Tolls hereby granted or made payable, or any of them, for such Time as they shall think fit, and afterwards from Time to Time to advance the Tolls so reduced to any Sum or Sums of Money not exceeding the several Tolls or Sums hereby granted or made payable: Provided always, that no such Reduction of the said Tolls shall be made, unless Notice of the Intention to make such Reduction, and of the Time and Place of Meeting for that Purpose, shall have been affixed upon the Toll House or Toll Gate continued or erected in pursuance of this Act, at least One Calendar Month before such Meeting; and unless Five-sixths in Value of the Persons who shall be entitled to the Money then due on the Credit of the said Tolls shall consent thereto.

Commissioners may reduce the Tolls.

LXIII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Three or more of them, from Time to Time to let to farm the Tolls by this Act granted in manner following; that is to say, the said Commissioners shall cause Notice to be given of the Time and Place for letting the same at least One Month before the Day to be appointed for that Purpose, by affixing the same upon every Toll Gate continued or to be erected by virtue of this Act, and also by Insertion thereof in some public Newspaper circulated in the said County of *Warwick*, and specifying in every such Notice the Sum which the said Tolls produced in the preceding Year, clear of the Salary for collecting the same, in case any hired Collector was appointed, and that they will let such Tolls by Auction to the best Bidder, on his producing sufficient Sureties for the Payment of the Money Monthly, or otherwise, as in such Notice shall be specified, and that they will be put up at the Sum which they were let for or produced in the preceding Year, clear of the Salary of the Collector; and to prevent Fraud or any undue Preference in the Letting thereof, the said Commissioners are hereby required to provide a Glass with so much Sand in it as will run from One End of it to the other in One Minute, which Glass, at the Time of letting such Tolls, shall be set upon a Table, and immediately after every Bidding the Glass shall be turned, and as soon as the Sand is run out, it shall be turned again, and so for Three Times, unless some other Bidding intervenes, and if no other Person shall bid until the Sand shall have run through the Glass Three Times, the last Bidder shall be the Farmer or Renter of the said Tolls, and shall forthwith enter into a proper Agreement for the taking thereof, and paying the Money at the Times specified in such

Power to let the Tolls.

such Notice, with such Surety or Sureties for Payment thereof, and under such Conditions and in such Manner as the said Commissioners shall think fit; and if the Person being the last Bidder shall not forthwith enter into such Agreement, it shall and may be lawful to put up the said Tolls again immediately for another Bidder, and in like Manner to continue putting up the same until a Bidder shall be found who shall enter into such Agreement; and in case no Bidder shall offer, or in case the same shall not be let at such Auction, it shall be lawful for the said Commissioners to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls, at any Sum not less than the Sum at or for which they shall then have been last let; or the said Commissioners may appoint a Collector of such Tolls, or fix some future Day for the Letting thereof, as they shall judge most proper, upon giving such Notice thereof as aforesaid, and shall and may in that Case put them up at such Sum as they shall think fit; and if the Person or Persons who shall be the Farmer or Renter, or Collector or Collectors of such Tolls, shall take a greater or less Toll from any Person or Persons than what is authorized by this Act, he or they shall for every such Offence forfeit the Sum of Five Pounds, and the said Agreement for renting the Tolls shall, if the said Commissioners shall think fit to vacate the same, become null and void: Provided always, that at all such Lettings the said Commissioners shall be entitled to bid for the Tolls so to be let, either by themselves or by their Clerk or Treasurer, or any other Person by them respectively authorized: Provided also, that the said Tolls shall not be demised or leased for any longer Term than Three Years at any One Time.

Persons may
be stopped
on refusing
to pay Toll.

LXIV. And be it further enacted, That if any Person or Persons liable to the Payment of any of the said Tolls hereby authorized to be taken shall, after Demand thereof made by any Collector or Collectors or other Person or Persons to be appointed to receive the same, neglect or refuse to pay the same, it shall be lawful for such Collector or Collectors, Person or Persons, by himself or themselves, on taking such Assistance as he or they shall think necessary, to stop and prevent the Passage of the Person or Persons refusing, or of the Horse, Beast, Cattle, or Carriage 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, together with their Bridles, Saddles, Gears, Harness, or Accoutrements (except the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast), or any Carriage, in respect of the Horses or Cattle drawing the Carriage, upon which any Toll is by this Act imposed; and if such Tolls and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Four Days after such Seizure and Distress made, the Collector or Collectors, Person or Persons seizing and distraining, shall or may sell the Horse or Horses, Cattle, Carriages, or Things so seized and distrained, or any Part or Parts thereof, returning the Overplus (if any) and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges occasioned by such Seizure, Distress and Sale shall be deducted; and all Monies to be collected or levied shall be and are hereby vested in the said Commissioners, and shall be applied for the Purposes of this Act.

LXV. And

LXV. 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 any Turnpike or Toll Gate to be continued or erected by virtue of this Act; and afterwards put on or lead the same after having passed the said Turnpike or Toll Gate, and shall thereby evade or endeavour to evade the Payment of any Part of the said Tolls, or shall forge, counterfeit, or alter, or deliver to or receive from any other Person or Persons any Note or Ticket, with the Intent 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, and it shall be lawful for any Collector or Collectors to stop and prevent the Passage of any such Person till such Person shall have paid the said Sum so forfeited.

Penalty on
evading
Tolls.

LXVI. And be it further enacted, That in case any Dispute shall happen respecting the demanding or taking, or the Payment of Toll, or the Amount of Toll, or the Charges of keeping or selling any Distress, then and in every such Case such Dispute shall be heard and determined by any Justice or Justices of the Peace for the County in which the Cause of Dispute shall arise, who, upon Application made to him or them for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses (which Oath every such Justice or Justices is and are hereby authorized and empowered to administer), and shall determine the Amount of the Toll due, and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice or Justices shall seem 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 directed to pay the same by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, which Warrant such Justice or Justices is and are hereby empowered to issue; and the Overplus (if any) after Payment of such Costs of Distress and Sale, shall be returned upon Demand to the Person or Persons whose Goods and Chattels shall have been distrained and sold.

For settling
Disputes
concerning
Tolls.

LXVII. And be it further enacted, That every Toll Collector shall, and he is hereby required to place his Christian and Surname painted on a Board in legible Characters in the Front or some other conspicuous Part of the Toll House or Toll Gate immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Commissioners made in pursuance thereof, or shall demand or take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall in any-

For prevent-
ing Toll
Collectors
taking undue
Tolls.

[Local.]

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wise

wise hinder any Person or Persons from reading the Inscriptions on the Boards to be affixed and placed as aforesaid, or either of them, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and having expressed thereon the several Gates (if any) freed by such Payment, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Treasurer, Surveyor, or other Officer, or any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Commissioners may appoint and discharge Collectors.

LXVIII. And be it further enacted, That when and so often as any Lessee, 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 the said Commissioners 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 appoint some other Person or Persons to be a Collector or Receiver of the said Tolls, until the then next General Meeting of the said Commissioners, in the Stead of such Collector or Receiver who shall die or be discharged, and such Person or Persons so appointed shall have the like Power and Authority and be answerable and accountable in the like Manner in all respects as the Collector or Receiver who shall so die or be discharged would have had or been subject to; and if any Collector or Receiver of the said Tolls who shall be discharged from his said 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 Appurtenant thereto, to be erected, set up, or continued by virtue of this Act, shall neglect or refuse to deliver up the Possession thereof for the Space of Twenty-four Hours next after Demand thereof made by Notice in Writing signed by the Clerk to the said Commissioners for that Purpose, given to such Collector or Receiver, or other Person or Persons, or left at any such Toll House, Building, or Premises, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County where the same may be situate, by Warrant under his or their Hand and Seal or Hands and Seals, to order a Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House and Premises in the Day-time, and to remove the Persons who shall be found therein, together with their Goods, out of the House, and to put the Commissioners or their new-appointed Collector into the Possession thereof.

Toll Houses may be sold.

LXIX. And be it further enacted, That it shall be lawful for the said Commissioners to sell and dispose of any Toll House or Toll Houses, Crane, Machine, or Engine, and the House or Houses belonging

belonging thereto, to be continued or erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Commissioners unnecessary for the Purposes of this Act, in the same Manner and under the same Regulations as herein-before are contained for the Sale of such other Lands and Hereditaments hereby authorized to be purchased as may not be wanted for the Purposes of this Act.

LXX. And whereas the Mayor, Aldermen, and Burgesses of the Borough of *Stratford-upon-Avon* aforesaid having agreed, for the Purpose of providing a Fund for the future Repairs of the said Bridge, to continue to pay annually, out of the Funds of the said Corporation, the Sum of Thirty Pounds, and which annual Sum the said Commissioners were under and by virtue of the said Act hereby repealed empowered to recover as therein mentioned; be it therefore further enacted, That it shall be lawful for the said Commissioners from Time to Time, as often as the said annual Sum of Thirty Pounds shall remain unpaid to the said Commissioners for the Space of Ten Days next after the Twenty-fifth Day of *December* in each Year, after the passing of this Act, until a Fund shall have accumulated in manner herein-after mentioned, to sue for and recover such annual Sum of Thirty Pounds in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, in which no Essoign, Privilege, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and all such Sum and Sums of Money so to be received by the said Commissioners shall be invested in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities, or other Bank or Government Annuities or Security, in the Manner herein-after directed.

The Corporation of Stratford to pay 30*l.* per Annum to the Commissioners.

LXXI. And be it further enacted, That the Monies now in the Hands of the Treasurers to the said Commissioners by virtue of the said recited Act hereby repealed, and the said annual Sum of Thirty Pounds, and the Tolls and other Monies which shall be collected and received under or by virtue of this Act, shall be applied and disposed of in manner following; (that is to say), in the first Place, in paying and defraying the Expences of obtaining and passing this Act, and in the next Place in paying the Interest due and to grow due on the Principal Monies borrowed under and by virtue of the said recited Act hereby repealed and of this Act; in the next Place in paying the Expences of widening and keeping the said Bridge and the Road over the same in repair, and of widening, improving, and keeping in repair the Roads and Approaches thereto, and in defraying all the other Charges and Expences of carrying this Act into Execution; and in the next Place in paying off and discharging the Principal Monies borrowed on the Credit of the said Act hereby repealed, or to be borrowed on the Credit of this Act; and when and so soon as the said Tolls shall be more than sufficient for the Purposes aforesaid, then the Excess shall be invested from Time to Time, together with the said annual Sum of Thirty Pounds to be paid by the said Mayor, Aldermen, and Burgesses as aforesaid, in the Name of the Commissioners for repairing the Bridge over the River *Avon* at or near

Application of Tolls and other Monies.

Stratford.

Stratford-upon-Avon in the County of *Warwick*, in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities or other Bank or Government Annuities or Security, and such Fund shall be called "The *Stratford-upon-Avon* Bridge Fund;" and the Income resulting from the Stock to be purchased with such Monies shall be accumulated in the Nature of Compound Interest, until such Excess and annual Payments and Accumulations shall be sufficient to yield by the Interest or Dividends thereof the annual Sum of One hundred Pounds, which said last-mentioned annual Sum shall be appropriated towards repairing and keeping in repair the said Bridge, and the Roads and Approaches thereto; and when and so soon as the said Fund shall be sufficient to produce the said annual Sum of One hundred Pounds in manner aforesaid, and all the Monies which shall have been borrowed on the Credit of the said Tolls, together with lawful Interest for the same shall have been paid off and discharged, then and from thenceforth the Tolls by this Act granted, and also the said annual Sum payable by the said Mayor, Aldermen, and Burgesses as herein-before is mentioned, shall wholly cease, and be no longer payable, subject nevertheless to be revived in manner herein-after mentioned.

Power to
borrow Mo-
ney.

LXXII. And be it further enacted, That it shall be lawful for the said Commissioners to borrow and take up at Interest, on the Credit of the Tolls granted by this Act, such Sum or Sums of Money as they shall from Time to Time think proper, and to demise and mortgage the said Tolls or any Part or Parts thereof, and the Turnpikes and Toll-Houses for collecting the same, as a Security to any Person or Persons, or his or their Trustees, who shall advance such Sum or Sums of Money; which Mortgages shall be in the Words or to the Effect following; (that is to say),

Form of
Mortgage.

‘ BY virtue of an Act passed in the Seventh Year of the Reign of
‘ King *George* the Fourth, intituled [*here set forth the Title of*
‘ *this Act*], we whose Hands and Seals are hereunto subscribed and
‘ set, being _____ of the Commissioners for executing the
‘ said Act, in consideration of the Sum of _____ Sterling
‘ advanced and lent to us by _____ for the Purposes of the
‘ said Act, do grant and assign unto the said _____ his
‘ Executors, Administrators, and Assigns, such Proportion of the
‘ Tolls arising by virtue of the said Act as the said Sum of _____
‘ doth or shall bear to the whole Sum which is or shall be bor-
‘ rowed upon the Credit of the said Tolls; to be had and holden from
‘ this Day until the said Sum of _____ with Interest at the
‘ Rate of _____ *per Centum per Annum* for the same, shall be
‘ fully repaid and satisfied. In witness whereof we have hereunto set
‘ our Hands and Seals this _____ Day of _____ in the
‘ Year of our Lord _____

And every such Mortgage shall be good, valid, and effectual in the Law; provided that the whole Sum to be charged on the Credit of the said Tolls shall not at any Time exceed the Sum of Twenty thousand Pounds.

LXXIII. And

LXXIII. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money borrowed on the Credit of the said Tolls, by Writing under their Hands indorsed on such Securities, to transfer the same respectively to any Person or Persons, according to the Form following; (that is to say),

Securities
may be trans-
ferred.

I do hereby assign the within Mortgage, and all my Right and Title in and to the Principal Money and Interest, and all Arrears now due thereon, thereby secured, unto of his Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord

Form of
Transfer.

And Entries or Memorials of all such Mortgages as shall be made in pursuance of this Act, and of all Transfers thereof, expressing in Words at Length the Names, Additions, Places of Abode, and other Descriptions of all such Persons as shall from Time to Time be entitled to the Principal Money and Interest thereby secured, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, to which Book any Person interested shall at all seasonable Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for the Entry of every such Transfer or Assignment the said Clerk shall be paid Ten Shillings and no more; and every such Transfer or Assignment, after such Entry thereof as aforesaid, shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, or Assigns, to the Benefit of the Security or Grant thereby transferred; and all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Tolls equally one with another, without any Preference in respect to the Priority of advancing such Money, or the Dates of any such Mortgages or Assignments.

LXXIV. And whereas under and by virtue of the Powers and Provisions of the said recited Act, the Excess of the Tolls (after paying to the Mortgagees the Interest due upon their respective Securities, and paying and defraying the Expences attending the Execution of the said Act), together with the said annual Sum of Thirty Pounds paid by the Mayor, Aldermen, and Burgesses of the Borough of *Stratford-upon-Avon*, has from Time to Time been invested in the Names of Five of the Commissioners of the said Bridge, in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities, for the Purpose of forming a Fund as directed by the said Act, and the same now amounts to the Sum of Three thousand and nine Pounds Thirteen Shillings of such Annuities: And whereas it may be found advantageous to dispose of the said Three Pounds *per Centum* Consolidated Bank Annuities, and to apply the Produce thereof for the Purpose herein-after mentioned; be it therefore further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, whenever they shall deem it expedient and advantageous so to do, to sell out all or any Part of the said Stock standing in the said Three Pounds *per Centum* Consolidated Bank Annuities: as aforesaid, in order to pay off the Mortgagees of the Tolls or

Respecting
the Applica-
tion of a
Fund raised
pursuant to
Act of 52G.3.

[Local.]

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any

any of them the Principal Money and Interest due upon their respective Securities: Provided always, that nothing herein contained shall extend or be construed to extend to permit or suffer the said Commissioners to sell out the said Stock for any other Purpose whatsoever.

Certain
Mortgages to
be paid off.

LXXV. And be it further enacted, That when and so soon as the said Commissioners shall by any such Sale have become possessed of all or any Part of the Monies to arise thereby, it shall be lawful for them to give Notice to any Mortgagee or Mortgagees who hath or have advanced any Sum amounting to or exceeding Four hundred Pounds on the Security of the said Tolls, of the Intention of the said Commissioners to pay to such Mortgagee or Mortgagees the whole or any Part of the Principal Money advanced by him, her, or them, and to pay the same accordingly: Provided always, that nothing herein contained shall extend to prevent the said Commissioners from paying to the said Mortgagee or Mortgagees, or any future Mortgagee or Mortgagees, the said Principal Sums with any other Monies that have arisen or may arise under or by virtue of the said recited Act or of this Act.

Manner of
paying off
Mortgage
Debts.

LXXVI. And be it further enacted, That for the Purpose of paying off and discharging such of the Principal Monies borrowed on the Credit of the said Act hereby repealed as shall not exceed Four hundred Pounds, the said Commissioners shall and they are hereby authorized and empowered, if they shall think it expedient so to do, to cause the Numbers of all such Mortgages or Securities which for the Time being shall be in force, and of which one or more shall be intended to be paid off, to be written upon distinct Pieces of Paper of an equal Size, and all such Papers to be rolled up in the same Manner as nearly as may be, and put into a Box or Wheel, and the Number or Numbers of the said Securities to be drawn separately out of such Box or Wheel by the Clerk or Clerks for the Time being, in the Presence of the said Commissioners or any Three or more of them, at some or one of their Meetings, and such Securities to be paid off and discharged according to the Rotation in which the Numbers shall be drawn at every such Ballot, beginning with the First, and proceeding progressively to the Second, Third, Fourth, Fifth, and every other Number drawn, so far as the Money then in the Hands of the said Commissioners will extend to pay; and after every such Ballot the said Commissioners shall cause Notice, signed by their Clerk or Clerks, to be given, or sent to or left at the usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot, signifying to such Person or Persons that at the End of Six Calendar Months, to be computed from the Date of such Notice, the said Commissioners intend to pay such Sum or Sums of Money as shall be expressed in such Notice, and the Interest due thereon, at a Place therein also to be mentioned; and the Interest of the Principal Money so to be paid off shall from and after the End of the said Six Calendar Months cease and be no longer payable, unless such Money shall be demanded pursuant to such Notice and not paid; but the Principal Money in respect whereof such

such Notice shall be given, and also the Interest due at the Expiration of such Notice, shall nevertheless be payable on Demand.

LXXVII. And be it further enacted, That if by Flood or any other Accident the said Bridge or any Part thereof shall receive such and so much Damage that it shall appear from the Estimates of Two competent Persons, to be appointed by the said Commissioners, or any Three of them, to inspect and examine the same, that the Interest and Dividends of the Stock or Funds standing in the Names of the said Commissioners in the Books of the Governor and Company of the Bank of *England*, shall not be adequate within Two Years to defray the Expences and Charges of repairing such Damage, then it shall be lawful for the said Commissioners, or any Three or more of them, in order to the more speedy and effectual repairing of such Damage as aforesaid, from Time to Time to raise any Sum that may be wanted for that Purpose, upon the Security of the said Stock or Fund, by way of Mortgage of the said Stock or Fund; and if the said Commissioners, or any Three or more of them, shall not be able within Three Months after such Estimate as aforesaid, to raise the Sum which may be wanted for the Repair of such Damage, then it shall and may be lawful for the said Commissioners, or any Three or more of them, from Time to Time to expend and apply the Whole or such Part of the Principal Money of the said Fund as may be wanted for that Purpose, to defray the Expences, Costs, and Charges of such Damage as aforesaid: Provided always, that when and so often as any such Sum shall be raised by Mortgage, or any Part of the said Principal Money shall be applied as aforesaid, then and in either of those Cases it shall be lawful for the said Commissioners, and they are hereby required, upon giving Fourteen Days Notice thereof in the *London Gazette*, and in some Newspaper usually circulated in the County of *Warwick* (which Notice shall be signed by at least Three of the Commissioners, and whose Signatures shall be attested and witnessed by the Clerk to the said Commissioners), at the Expiration of such Fourteen Days to revive the Tolls herein-before allowed and directed to be received upon the said Bridge, or such and so many of them as the said Commissioners, or any Three of them, may deem sufficient for that Purpose, from Time to Time as there shall be Occasion; and it shall be lawful for the said Commissioners, or any Three or more of them, to borrow such Money as they may judge necessary or expedient for the Repair of such Damage as aforesaid, as often as there shall be Occasion, on the Security of such revived Tolls or any Part thereof.

How, the Bridge shall be repaired in future.

LXXVIII. And be it further enacted, That when and so often as the Tolls by this Act authorized to be taken shall be revived by the said Commissioners, an annual Payment of Thirty Pounds shall be issuing and payable, and recoverable in manner before mentioned, out of the Funds and Revenues of the said Corporation of *Stratford-upon-Avon*, to the Commissioners for executing this Act, and such annual Payment shall commence on the Day such revived Tolls shall become payable, and be paid and continue to be payable out of the Funds and Revenues of the said Corporation, and be invested in the Public Funds in the Manner the said annual Sum of Thirty Pounds is herein-before

If Tolls be revived, the annual Payment by the Corporation to recommence.

before directed to be invested, until the Principal Money of the said *Stratford Bridge Fund* shall yield an Income or Interest of One hundred Pounds annually, as herein is mentioned.

Tolls so revived to continue until all the Expences, &c. shall be paid.

LXXIX. And be it further enacted, That such Tolls so revived, or such Part thereof as the said Commissioners shall judge to be expedient, shall continue to be received and taken on the said Bridge, until all the Expences, Costs, and Charges of the Repair of such Damage as last aforesaid shall be fully and completely paid and satisfied, and until all Money secured by way of Mortgage on the said Fund, or borrowed on the Security of such revived Tolls, shall be fully and completely paid and discharged, and also until the Principal Money of the said *Stratford-upon-Avon Bridge Fund* shall yield an Income or Interest of One hundred Pounds annually as herein-before authorized and directed to be raised for the Repairs of the said Bridge; and when and so soon as such Sums of Money as are herein mentioned shall be fully and completely discharged and raised as aforesaid from such revived Tolls, the Notice to that Effect shall forthwith from Time to Time, so soon as the Purposes of this Act have been effected, be inserted in the *London Gazette*, and in some Newspaper usually circulated in the County of *Warwick*, which Notice shall be signed by at least Three of the said Commissioners, whose Signatures to such Notice shall be attested and signed by the Clerk to the said Commissioners; and within Twenty-one Days after the Insertion of such Notice in the *London Gazette*, such revived Tolls shall from Time to Time cease and be no longer payable.

Power of Commissioners over revived Tolls.

LXXX. And be it further enacted, That the said Commissioners, or any Three or more of them, shall be enabled to reduce and again to raise such revived Tolls, so that they do not exceed the Tolls herein-before authorized to be taken and received, and they are hereby required to do and perform all Acts in respect thereof which the said Commissioners, or any Three or more of them, are herein-before required, authorized, and empowered to do by virtue of this Act, and shall have and possess the same Power and Authority over such revived Tolls as is herein-before given to and vested in them respecting the original Tolls to be taken and received on the said Bridge.

Commissioners annually to make out an Account.

LXXXI. And be it further enacted, That the said Commissioners shall, between the Twenty-fourth Day of *June* and the Twenty-ninth Day of *September* in every Year, order and direct a fair, just, and distinct Account to be made and written out, of all Monies received and paid by virtue or in pursuance of this Act, and how and to whom and for what Purposes the same shall have been laid out and expended; and a Copy or Duplicate of such Account, signed by the said Commissioners, shall be deposited with the Clerk to the said Commissioners, who shall permit any Person or Persons being a Creditor on the said Tolls, or any Person or Persons on his, her, or their Behalf, to inspect the same at seasonable Times, paying the Clerk to the said Commissioners the Sum of One Shilling for each such Inspection; and the said Clerk shall, upon Demand, forthwith give Copies of the same, or any Part thereof, to any Person requiring the same, who shall pay at and after the Rate of Four-pence for every
Seventy-

Seventy-two Words thereof, and so in proportion for any less Number of Words.

LXXXII. And be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid 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 Commissioners, 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 Commissioners to the Party or Parties entitled to receive the same, within Twenty-one Days after Demand in Writing shall have been made by the Clerk of such Justice or Justices to the said Commissioners or their Treasurer, 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 or may be levied or recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners, 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 Commissioners, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences which he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Compensation for Damages, &c. how to be recovered from the Commissioners.

LXXXIII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously damage the said Bridge, or any Part thereof, or any Gate, Turnpike, or Toll House belonging thereto, or shall wilfully or maliciously and without Authority from the said Commissioners remove or take away any Works thereunto belonging, or in any way direct or procure the same to be done, or shall be aiding or assisting therein, whereby the said Bridge or the Works thereof may be damaged, any Person so offending shall be adjudged guilty of Felony, and every such Person so offending, and being thereof lawfully convicted, shall be subject to the like Punishments and Penalties as in case of Felony, and the Court by or before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this

For preventing wilful Damage to Bridge,

[Local.]

Y

Realm,

Realm, or in Mitigation of such Punishment such Court may award such Sentence as the Law directs in case of Petty Larceny.

Owners of
Vessels liable
for Damage.

LXXXIV. And be it further enacted, That in case any Damage or Mischief shall be done to the said Bridge, or any Part thereof, by any Barge, Boat, Float, Raft, or Vessel, through the Mismanagement or Negligence of any Person having the Command of any such Barge, Boat, or other Vessel, or any of the Mariners or Persons employed therein, then and in every such Case the Owner or Owners of such Barge, Boat, or other Vessel shall be and is and are hereby made answerable to the said Commissioners for the Amount or Value of any such Damage or Mischief; and the same, provided it shall not exceed the Sum of Ten Pounds, if not forthwith paid and satisfied, shall and may be recovered in such Manner as the Penalties and Forfeitures hereby imposed are in and by this Act directed to be recovered.

Masters to
recover from
their Servants
any Sum paid
for their De-
faults.

LXXXV. And be it further enacted, That in case the Owner or Owners of any such Barge, Boat, or other Vessel shall be compelled to pay any Penalty or to make Satisfaction for any Damages by reason of any Neglect or Default done or committed by his, her, or their Servants or Mariners, or any of them, such Servants or Mariners, and each and every of them, shall be liable to repay such Penalty or Damages (with the Costs thereof) to such Owner or Owners; and in case of Nonpayment upon Demand thereof, and Oath made by such Owner or Owners of the Payment made by him, her, or them, of such Penalty, Satisfaction, or Damages, and that the same, with the Costs thereof, have not been repaid to him, her, or them, by such Servants or Mariners, or any of them, although demanded (such Oath to be made before any One or more Justice or Justices of the Peace of the County or Place where such Penalty or Satisfaction shall have been recovered), the Amount thereof, provided the same shall not exceed the Sum of Ten Pounds, shall be recovered in the same Manner as any Penalty is hereby directed to be recovered.

For prevent-
ing Obstruc-
tions and
Nuisances on
the Bridge
and Ap-
proaches.

LXXXVI. And be it further enacted, That if any Person or Persons having the Care of any Float, Raft, Boat, Barge, or other Vessel, which shall be navigated in and upon the said River *Avon*, shall fix or fasten any such Float, Raft, Boat, Barge, or other Vessel to the said Bridge or any Part thereof; or if any Person or Persons shall haul or draw, or cause to be hauled or drawn, upon any Part of such Bridge and the Approaches thereto, any Timber, Stone, or other Thing otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried principally or in part upon wheeled Carriages to drag or trail upon such Bridge and Approaches to the Prejudice thereof, or shall use any Tipstick, Joggle, or other Instrument for the Purpose of retarding the Descent of any Carts or other Carriages down the Descent of any Part of the said Bridge or Approaches, or shall permit or suffer the Whipping Tree, Spreader, or any other Thing whatsoever attached to any towing or other Horse, to drag or trail upon such Bridge or Approaches, in such Manner as to destroy, injure, or disturb the Surface thereof; or if any

Person driving any Horse or other Beast on the said Bridge and Approaches, carrying any Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing, shall place such Bar or Rod, Basket or Pannier, Matter or Thing, so that the same or any of them shall project more than Thirty Inches from the Side of such Horse or other Beast; or if any Person or Persons shall pass a Line over the said Bridge, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Bridge or Approaches; or if any Blacksmith or other Person occupying a Blacksmith's Shop situate near the said Bridge and Approaches, and having a Window or Windows fronting the same or any Part thereof, shall not by good and close Shutters every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Bridge and Approaches; or if any Person shall, upon any of the Footpaths or Foot Pavements of the said Bridge and Approaches, or any of them, run, draw, drive, or carry any Wheelsledge, Wheelbarrow, Handbarrow, Bier or Carriage whatsoever, or roll any Cask or Tub, other than for the necessary loading or unloading thereof upon, from, or out of any Carriage Road or Footway, further than the Extent of the Premises in the Occupation of the Person from or to whose House or Building such Cask or Tub shall be rolled; or if any Person shall wilfully drive any Cart or Carriage whatsoever, or shall ride, lead, or drive any Horse or other Beast, or any Cattle whatsoever, on any of the said Footpaths or Foot Pavements, or set up, affix, or use any Stall, Standing, Block, or Working Place thereon, or so near thereto as to obstruct the passing thereon, or put or place any Cask, Tub, Pail, Bucket, Stool, Bench, Stall, or any other Matter or Thing, and suffer it to remain so as in any Manner to cause any Obstruction or Impediment in the Footway or on the Foot Pavement, or shall on the said Bridge or Approaches or any of them hoop, fire, cleanse, wash, or scald any Cask or Tub, or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber, or make or repair any Coach, Chaise, Waggon, Sledge, Barrow, or other Carriage, (except such as may want immediate Repair from any sudden Accident on the Spot, or which cannot be conveniently removed for that Purpose, such unavoidable Repair to be done and completed with all convenient Speed); or if any Person shall hang out or cause to be hung out any Linen or Cloth, or any Article of Wearing Apparel, or other Article, for the Purpose of Sale, or of airing the same, upon or from any Door or Window within the said Approaches or any of them, or fix or tie up any Line, Rope, or Cord for any such Purpose, or erect or set up any Blind, Shade, Coverlid, or Awning, or any other Matter or Thing in the Front of or before any House, Shop, or other Building, so as in any way to cause an Obstruction or Impediment in the Pavements, Flagging, or Footways; or if any Person shall in or upon the said Bridge, or any of the said Approaches, shoe, bleed, farry, or kill any Horse, or other Beast or Cattle (except in case of Accident); or if any Person shall throw or lay, or shall permit or suffer to be thrown or laid, any Ashes, Dirt, Dust, Soil, Straw, Dung, Oyster-shells, Water, or any Filth or Annoyance whatsoever on the said Bridge or Approaches, or shall set out and leave, or cause to be set out and left, any Carriage, Horse
or

or Beast, or any Timber, Stone, Log of Wood, Cask, or any other Matter or Thing whatsoever which may occasion any Annoyance, Nuisance, or Obstruction on the said Bridge or Approaches; or if any Person shall upon the said Bridge, or any of the said Approaches, at any Time shew or expose any Stallion, or expose to sale any Horse or other Beast, or turn loose any Horse, Mule, Ass, Pig, or other Beast, or if any Person shall make or assist in making any Bonfire, or shall wantonly let off or discharge any Gun, Pistol, Blunderbuss, or other Fire-arms, or shall wantonly let off any Serpent or Rocket, or throw any Cracker, Squib, or other Fireworks, or play at Football, or any other Game or Games, to the Annoyance of any Inhabitant or Passenger; or shall, for the Purpose of obtaining or collecting Manure, or for any other Purpose, stop up or impede the Passage of any Common Sewer, Ditch, or Watercourse, or shall empty, convey, or discharge any Filth or Rubbish into any Common Sewer or Public Drain; or if the Driver of any Waggon, Cart, or other Carriage shall on the said Bridge, or any of the said Approaches, ride on the Shafts, or in or upon any Part of such Waggon, Cart, or other Carriage without Reins, or on any of the Horses or Cattle drawing the same; or if any Person riding any Horse or Beast, or driving any sort of Carriage, shall ride or drive the same furiously, so as to endanger the Life or Limb of any Passenger; or if any Person or Persons shall wilfully hinder, obstruct, or prevent the free Passage of the said Bridge or Approaches, or any of them, or any of the Footways thereof; or if the Driver of any sort of Carriage whatsoever, meeting any other Carriage, shall not keep his or her Carriage on the Left or Near Side of the Road or Way, or shall in any Manner wilfully prevent any other Person or Persons from passing him or her in any Carriage under his or her Care on the said Bridge, or on the said Approaches or any of them, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage or of His Majesty's Subjects on the said Bridge, or within the said Approaches or any of them; or shall suffer any Stage Coach, Diligence, Post Chaise, or other Carriage let to hire, to remain longer than may be necessary for the taking up or setting down of any Passenger; or if any Person or Persons shall wilfully pull down, damage, injure, or destroy any Lamp or Lamp Iron or Lamp Post put up, erected, or placed on or near the Side of the said Bridge, or the Avenues and Approaches thereto, or the Toll House erected thereon, or shall extinguish the Light of any such Lamp; every Person so offending in any of the aforesaid Cases, (or the Owner or Proprietor of any such Horse, Beast, Cattle, Carriage, Goods, Matter or Thing as aforesaid, as the Case may be, in any Instance where the Person actually offending cannot afterwards be found), shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for any Officer appointed by virtue of this Act, or for any Constable, to take away and remove any of the before-mentioned Obstructions, in case the Party occasioning the same shall not remove the same within a reasonable Time after being required so to do by any Person or Persons whomsoever.

Power to re-
move Annoy-
ances.

LXXXVII. And be it further enacted, That it shall be lawful for the said Commissioners, or for their Surveyor or Surveyors, or for such

such Person or Persons as the said Commissioners, or their Surveyor or Surveyors, or any of them, shall appoint for that Purpose, to remove and prevent all Annoyances on any Part of the said Bridge and Approaches, by Filth, Dung, Ashes, Rubbish or otherwise, and to turn any Watercourses, Sinks or Drains, running into, along, or out of the said Approaches to the Prejudice thereof, and to open, scour, and cleanse any Watercourse or Ditches adjoining to the said Approaches, and make the same as deep and as large as he or they shall think proper and necessary, but any such Enlargement to be made at the Expence of the said Commissioners; in case the Owners or Occupiers of the Premises shall neglect to open, scour, or clease such Watercourses or Ditches, or remove such other Annoyances for the Space of Two Days next after Notice in Writing given for that Purpose by the said Commissioners, or their Surveyor or Surveyors for the Time being, the Charges thereof, except for enlarging any Watercourses or Ditches as aforesaid, to be settled by any Two Justices of the Peace for the said County of *Warwick*, and which Charges the said Justices are hereby authorized and required to settle accordingly, and shall be reimbursed to the said Commissioners by such Owners or Occupiers, the same to be recovered in such Manner as Penalties and Forfeitures are by this Act directed to be recovered; and if after the Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

LXXXVIII. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or Beast or Cattle, shall at any Time be found wandering, straying, or lying on the said Bridge or Approaches, or by the Sides thereof, it shall be lawful for the Surveyor of the said Commissioners, or any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, in the Common Pound of the Hundred, Parish, Township, Tithing, or Place where the same shall be, or in such other Place as the said Commissioners shall appoint, and the same there to detain until the Owner or Owners thereof shall for every and each such Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Two Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences, shall not be paid within Five Days next after such impounding, it shall be lawful for the said Commissioners to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the Money arising from such Sale, after deducting the said Penalty and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid on Demand to the Person whose Property the same shall appear to have been.

Cattle found straying on the Bridge or Approaches, to be impounded.

LXXXIX. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live Stock or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down,

Penalty on Persons guilty of Pound-breach or Rescue.

[Local.]

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damage,

damage; or destroy the same Pound or Place, or any Part thereof; or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Swine, or other Live Stock or Cattle seized or impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One or more of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer; be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the County or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Damages and Costs in case of Dispute to be settled by Justices.

XC. And be it further enacted, That in all Cases where by this Act any Damages, Costs, or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages, Costs, or Charges, in case of Dispute respecting the same, shall be settled, ascertained, 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 and are 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 directed by this Act for the levying of any Penalties or Forfeitures.

Information need not be in Writing.

XCI. Provided always, and be it further enacted, That in all Cases where by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice or Justices of the Peace, it shall be lawful for any Justice or Justices of the Peace to whom Complaint shall be made of any Offence against this Act, to summon the Party complained against before him or them, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited by or before such Justice or Justices; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was exhibited.

For Recovery and Application of Penalties.

XCII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof and the Appropriation whereof is not hereby particularly directed), may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Justice or Justices of the Peace for the County or Place where the Offence or Offences shall have been committed, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well

as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witness or Witnesses upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties, not herein otherwise directed to be applied, shall be paid to the Overseers of the Parish or Place within which such Offence shall be committed; and it shall and may be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if, upon the Return of such Warrant or Warrants, 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 any such Justice or Justices, 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 or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to any Common Gaol or House of Correction of the County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law: Provided always, that in all Cases where the Penalty imposed by this Act shall exceed the Sum of Five Pounds, no Proceedings before Justices shall be had and taken for the Recovery thereof before a less Number than Two such Justices.

XCIH. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to reward any Informer or Informers, as they shall think proper, so as such Reward shall not exceed the Amount of the Penalty or Forfeiture proved by the Information of such Informer or Informers to have been incurred,
any

Commis-
sioners may
reward In-
formers.

any thing herein contained to the contrary thereof in anywise notwithstanding.

Collectors not incompetent to give Evidence.

XCIV. And be it further enacted, That in case of any Information, Complaint, Dispute, Suit, or Litigation, touching or in anywise relating to the said Tolls, or any Offence committed against this Act, the Person or Persons appointed to collect such Tolls, or other Person or Persons acting under the Authority of the said Commissioners, shall not be incompetent to give Evidence therein.

For compelling the Attendance of Witnesses.

XCV. And be it further enacted, That if any Person who shall be summoned as a Witness to give Evidence before any Justice or Justices of the Peace respecting any Matter of Fact relating to any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall, after a reasonable Sum for his, her, or their Costs and Charges shall have been tendered or paid to him or her, refuse or neglect to appear at the Place and Time by such Summons appointed, without a reasonable Excuse for such Neglect or Refusal, such Person shall forfeit for every such Neglect or Refusal any Sum not exceeding Five Pounds.

For securing transient Offenders.

XCVI. And be it further enacted, That it shall be lawful for any Collector, Agent, or any other Officer of the Commissioners, and such Person or Persons as he shall call to his Assistance, and which all By-standers and other Persons, on Demand, are hereby required to give, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons to him unknown, who shall refuse to pay the Toll payable by him, her, or them, or who shall be seen by such Collector, Agent, or other Officer, to commit any other Offence against this Act, and forthwith to take him, her, or them, or any of them, before One or more Justice or Justices of the Peace of the County or Place where such Refusal or Offence shall take place or be committed, or where such Offender or Offenders shall be, and such Justice or Justices is or are hereby required to act with respect to such Offender or Offenders according to the Provisions of this Act.

Conviction of Offenders.

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

' } BE it remembered, That on the Day of
 ' to wit. } in the Year of our Lord A. B. is
 ' convicted before me, C. D. [or, before us, C. D. and E. F.]
 ' [or, as the Case may be] of His Majesty's Justices of the
 ' Peace for the said County of for [here specify the
 ' Offence, and when and where committed] contrary to an Act passed
 ' in the Seventh Year of the Reign of King George the Fourth,
 ' intituled [here insert the Title of this Act], for which Offence I [or
 ' we]

we] adjudge the said *A. B.* to have forfeited the Sum of
 [or, shall be committed to _____ for the Space of _____].
 Given under my Hand and Seal [or our Hands and Seals] the Day
 and Year first above written."

XCVIII. And be it further enacted, That when any Distress shall be made by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons or Conviction, Warrant of Distress, in the Appointment of the Officer or Officers, or any Proceeding relating thereto, nor shall the Party or Parties be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed in making the Distress.

Distress not
unlawful for
Want of
Form.

XCIX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule or Order of the said Commissioners, or by any Order, Judgment, or Determination of any Justice or Justices relating to this Act, or any Matter or Thing herein contained, such Person or Persons may appeal to the Justices of the Peace at the First or next General or Quarter Sessions to be holden for the County or Place wherein the Cause of Appeal shall have arisen, unless the same shall arise within Twenty-one Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall have arisen; and the said Justices are hereby authorized and required to take Cognizance thereof, and to hear and determine such Complaint or Complaints at such General or Quarter Sessions, or if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be holden for such County or Place, and shall and may, if they see Cause, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable, and to levy by their Order or Warrant such Costs so awarded by Distress and Sale of the Goods and Chattels of any Person or Persons who shall refuse to pay the same; and for Want of sufficient Distress to commit such Person or Persons to the Common Gaol for the County or Place where the Cause of Appeal shall arise, for any Time not exceeding Three Calendar Months, or until Payment of such Costs: Provided always, that the Person or Persons so appealing as aforesaid shall, and he, she, and they is and are hereby required to give Notice in Writing of such his, her, or their Intention of bringing or prosecuting such Appeal, Fourteen Days before the said Quarter Sessions, and shall before the said Quarter Sessions, and before such Notice given, enter into a Recognizance before One or more Justice or Justices of the Peace of the County or Place where the Cause of Appeal shall have arisen, in the Sum of Twenty Pounds, with Two sufficient Sureties in the

Appeal.

[Local.]

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Sum

Sum of Ten Pounds each, with Condition to prosecute such Appeal, and to pay all Costs, in case such Appeal shall be determined against the Party or Parties so appealing.

Proceedings
not to be
quashed for
Want of
Form.

C. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only, or be removed or removable by Certiorari or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* (except as hereinbefore mentioned), any Law or Statute to the contrary notwithstanding.

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

CI. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act; unless Notice in Writing, signed by his, her, or their Attorney, (specifying the Cause of Action) shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, at least Twenty-one Days before the same shall have been commenced; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought, nor if such Tender of Amends shall be made after the said Action brought and before the Trial thereof, together with Costs of Suit to the Time of such last-mentioned Tender, but on Proof of such Tender on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall suffer Judgment as in Cases of Nonsuit, with Double Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; and in case no such Tender of Amends shall have been made, it shall be lawful for the Defendant or Defendants (by Leave of the Court) at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon such Proceedings, Orders, and Judgments shall be made and given in and by such Court as in other Actions when Defendants are allowed to pay Money into Court.

Limitation of
Actions.

CII. And be it further enacted, That no Action or Suit shall be brought against any Person or Persons, Politic, Corporate, or Collegiate, for any thing done in pursuance of this Act, after Three Calendar Months next after the Cause of Action shall arise; and every such Action or Actions shall be laid and brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in any such Action or Suit may, at his, her, or their Option, either plead specially or plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or that such Action or Suit was brought without Ten Days Notice thereof having been given as aforesaid, or after

sufficient Amends tendered as aforesaid, or after the Time limited for bringing the same, or to be brought in any other County or Place than as aforesaid, then and in such Case the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer a Discontinuance of his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and shall have the like Remedy for the same as any Defendant or Defendants hath or have for the Costs of Suit in any other Cases by Law.

CIII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, Party or Parties, to serve any Notice or Notices upon the said Commissioners, or any Writ or Writs, or other legal Proceedings, the Service thereof upon any One of such Commissioners, or upon the Clerk of the said Commissioners for the Time being, or at the Office of such Clerk, or left at the usual Place of Abode of such Commissioner or Clerk, as the Case may be, shall be deemed a good and sufficient Service of the same respectively on the said Commissioners. Declaring what shall be good Service of Notices on Commissioners.

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

The SCHEDULE to which this Act refers.

Description of Property.	Owners.	Occupiers.
<i>In the Borough of Stratford-upon-Avon.</i>		
Part of a House - - -	The Mayor, Aldermen, and Burgesses of the Borough of Stratford-upon-Avon - -	} John Wilson.
Part of a House - - -	Mrs. Bartlam - - - - -	
Part of a House - - -	Thomas Elvins - - - - -	} Thomas Jelfs.
Part of a House - - -	The Mayor, Aldermen, and Burgesses of the Borough of Stratford-upon-Avon - -	
A House - - - - -	The same - - - - -	Sarah Parsons.
A House - - - - -	The same - - - - -	William Blunn.
A House - - - - -	Thomas Smith - - - - -	Himself.
A House - - - - -	The Mayor, Aldermen, and Burgesses of the Borough of Stratford-upon-Avon - -	Goodwin Easthope.
The Site of a House - - -	The same - - - - -	Void.
A House and Stable - - -	Compton, Widow - - - - -	Thomas Swaine.
A House and Shop - - -	John Hitchman - - - - -	Himself.
A House and Shop - - -	The Feoffees of Clifford School or of Clifford Poor - - - - -	J. Hutchings.
A House - - - - -	Richard Newland - - - - -	Thomas Hartwell.
<i>In the Parish of Alveston.</i>		
A Summer House and Part of a Lawn - - - - -	The Reverend Francis Fortescue Knottesford - - - - -	Himself.
<i>In the Parish of Old Stratford.</i>		
Part of a Yard - - - - -	Maynell, Esq. - - - - -	Abel Waren.