ANNO UNDECIMO

GEORGII IV. REGIS.

****

Cap. lxix.

An Act for building a Bridge over the River *Avon*, from *Clifton* in the County of *Gloucester* to the opposite Side of the River in the County of *Somerset*, and for making convenient Roads and Approaches to communicate therewith.

[29th *May* 1830.]

Will of Wm. Vick, dated 1 Dec. 1753.

WHEREAS *William Vick*, late of the City of *Bristol*, Wine Merchant, deceased, duly made and published his last Will and Testament in Writing, bearing Date on or about the First Day of *December* in the Year of our Lord One thousand seven hundred and fifty-three, and thereby (after sundry Dispositions and Bequests) gave all his Residuary Estate, of what Nature or Kind soever, in manner following; to wit, Two Thirds thereof to his Sister *Rebecca Vick*, her Executors, Administrators, and Assigns, to her and their own Use, charged and chargeable nevertheless with the Payment to the Society of Merchant Adventurers in *Bristol* of the Sum of Six hundred and sixty-six Pounds Thirteen Shillings and Four-pence, within Two Years next after her Decease, for the Uses therein-after mentioned; and the other Third of his Residuary Estate he gave to *Roger Watts*, his Executors, Administrators, and Assigns, to his and their own Use, charged and chargeable nevertheless with the Payment of the Sum of Three hundred and thirty-three Pounds Six Shillings and Eight-pence to the said Society of Merchants, within

Two Years next after his Decease; and for the securing the due Payment of such respective Sums he did thereby will and direct that his said Sister and the said *Roger Watts* did and should, within One Year next after his Decease, severally enter into Bond to the then Master of the said Society, or to such Person or Persons as the said Society should direct, in a sufficient Penalty and with sufficient Surety for the Payment of the said respective Sums of Six hundred and sixty-six Pounds Thirteen Shillings and Four-pence and Three hundred and thirty-three Pounds Six Shillings and Eight-pence accordingly; and in case either of them should neglect or refuse to give such Bond, that then the Devise to him or her so neglecting or refusing of the said Proportion of his Residuary Estate should cease; and he gave such Proportion to the said Society of Merchants for the same Uses and upon the same Trusts as were therein-after mentioned and declared in respect of the said several Sums for which the said Bonds were thereby directed to be given, in case such Bonds had been entered into; and after reciting that he was of opinion that the erecting a Stone Bridge over the River *Avon*, from *Clifton Down* in the County of *Gloucester* to the opposite Side on *Leigh Down* in the County of *Somerset*, for Carriages as well as Horse and Foot Passengers, Toll-free, would be of great public Utility, and that he had heard and believed that the building of such Bridge was practicable, and might be completed for less than Ten thousand Pounds, for the advancing and effecting of so useful a Work, and for Encouragement of Contributions thereto, he directed that the Two several Sums above mentioned should when received be placed and continued out at Interest by the said Society of Merchants, either on their own or on the Chamber of *Bristol* or on Government Security, until the same should, with the Interest or Proceeds thereof, accumulate and increase to the Sum of Ten thousand Pounds; and in order thereto he directed that when and as soon as One hundred Pounds, or less than One hundred Pounds, (if the same could be invested,) should arise and be in hand for Interest, such One hundred Pounds or lesser Sum should be placed out at Interest and made Principal, until such Accumulation or Increase was effected; whereupon he requested and directed the said Society to expend and lay out the said Sum of Ten thousand Pounds, or as much thereof as should be necessary, in erecting such Stone Bridge, and in defraying any needful Expences thereabouts, either for obtaining an Act of Parliament to be enabled to carry on and complete such Work, or for making Satisfaction to the Proprietors of *Rownham Ferry*, or for purchasing of such Ferry, if either should be necessary, or otherwise; and the Surplus, if any, after the building and completing of such Bridge, he directed to be applied by the said Society to such charitable Use as they should think proper; and his Will and Meaning further was, that the said Society should be at liberty to lay out or contribute the said Trust Money, for the Use aforesaid, at any Time before the Accumulation or Increase aforesaid, in case other Monies should be given or contributed, which, together with the then Amount of the Trust Estate, should be deemed sufficient for such Undertaking; provided also, and his Will expressly was, that in case the said Society should decline or refuse to lay out the Trust Money for the Uses aforesaid, when such Accumulation or Increase was effected, or that the erecting of such Bridge should then be deemed

impracticable, unuseful, or improper, then he gave such Trust Monies to the Mayor, Burgesses, and Commonalty of the City of *Bristol*, and accordingly he directed the said Society of Merchants to pay over the same to them, or to the then Chamberlain of the said City, for their Use, in Trust, as for and concerning the Sum of Four thousand Pounds, Part of the said Sum of Ten thousand Pounds, to be by the said Chamber of *Bristol* lent out Interest-free on Bond, with proper and sufficient Sureties, to such young, honest, and industrious Clothworkers, Residents of the Parish of *Minchinhampton* in the County of *Gloucester*, as should apply therefore, in Sums not exceeding One hundred Pounds to One Person, and for such Term of Years, not exceeding Ten Years, as the said Chamber should think proper; and in case of no Application from such Clothworkers, or the Number applying should be insufficient to exhaust such Sum of Four thousand Pounds, then he directed that the said Sum of Four thousand Pounds, or what should be left thereof, should be applied by the said Chamber of *Bristol* in increase of or addition to the Fund of Loan Monies, Interest-free, to young Burgesses of *Bristol*, in the Manner such Loan Monies were then lent, or in any other Manner, for any other Term of Years, or in greater or lesser Sums, as the said Chamber should think proper; and as for and concerning the Sum of Six thousand Pounds, being the Remainder of the said Sum of Ten thousand Pounds, he requested and directed that the same should be applied by the said Chamber of *Bristol* towards founding, erecting, and maintaining an Hospital for illegitimate Children, and to be added to any Subscription or Contribution for that useful and much-wanted Charity, under and subject to such Trusts, Directions, Limitations, and Restraints as the said Chamber of *Bristol* should think proper; and until the said Sum of Six thousand Pounds should be so employed, he directed and requested that the same should be added to the said Loan Money Fund, and lent, Interest-free, to young, honest, and industrious Burgesses of *Bristol* in manner above mentioned: And whereas the said Testator *William Vick* departed this Life without having altered or revoked his said Will, which was duly proved, on or about the Twenty-fifth Day of *February* One thousand seven hundred and fifty-four, in the Prerogative Court of the Archbishop of *Canterbury*, by *Rebecca Vick* and *Roger Watts*, the Executors therein named: And whereas, in pursuance and under the Direction of the Will of the said Testator, the Master, Wardens, and Commonalty of Merchant Venturers of the City of *Bristol*, being the Society referred to in the said Will by the Description of the Society of Merchant Adventurers, duly received the several Sums of Six hundred and sixty-six Pounds Thirteen Shillings and Four-pence and Three hundred and thirty-three Pounds Six Shillings and Eight-pence, together with Interest for the same from the Time the respective Amounts became payable, upon the Trusts, and to and for the Ends, Intents, and Purposes therein mentioned; and the accumulated Fund arising from the said Sums, and the Interest thereof, now amounts to the Sum of Eight thousand three hundred and thirty-nine Pounds Nine Shillings and Four-pence, or thereabouts: And whereas the building and maintaining of a Bridge over the River *Avon*, from *Clifton Down* in the County of *Gloucester* to the opposite Side of the said River in the

County of *Somerset*, and the opening, making, and maintaining of convenient Roads and Approaches to communicate therewith, will be of great Advantage and Accommodation to the Proprietors and Occupiers of Lands in the Neighbourhood of the said Bridge, and to the Inhabitants of the several adjacent Parishes, and will greatly facilitate the Communication between many populous Parishes and Places in the County of *Somerset* and the City of *Bristol*, and other populous Parishes and Places in the immediate Neighbourhood thereof, in the County of *Gloucester*, and will in other respects be of great public Utility: And whereas, from Surveys and Estimates lately made and taken, it appears to the said Society of Merchant Venturers that the building of such Bridge of Stone only, if practicable, would be attended with considerably greater Expence than the Erection of such Bridge partly of Stone and partly of Iron or other Materials, in the Nature of a Chain or Suspension Bridge, the estimated Expences whereof, and of the making and completing the necessary Roads and Approaches to communicate therewith, amount together to the Sum of Fifty-two thousand Pounds, or thereabouts: And whereas the said Society are desirous and anxious to lay out and apply the said Trust Monies in and towards the erecting and maintaining of such Chain or Suspension Bridge, and the opening, making, and maintaining of the necessary Roads and Approaches to communicate therewith, and divers other Persons have given and subscribed, or have agreed or are willing to give and subscribe, several Sums of Money in aid of the said Trust Monies, and for effecting the Purposes aforesaid, upon Condition that the said Trust Monies be so laid out and applied, but not otherwise: And whereas towards defraying the additional Expence of building and maintaining such Chain or Suspension Bridge, and opening, making, and maintaining necessary Roads and Approaches to communicate therewith, over and above the said Trust Monies and the Sums so subscribed or about to be subscribed as aforesaid, several Persons have consented and agreed to lend and advance certain Sums of Money upon Condition of a moderate Toll being levied upon Foot Passengers, Carriages, Cattle, and Horses passing and repassing over the said Bridge, and the Roads and Approaches communicating therewith, until the Sums so lent, together with Interest thereupon, shall have been repaid to the several Persons advancing the same; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act the Fund composed of the said Two several Sums of Six hundred and sixty-six Pounds Thirteen Shillings and Four-pence and Three hundred and thirty-three Pounds Six Shillings and Eight-pence, together with all Dividends, Interest, and annual Produce arising or accruing thereon, now in the Hands of the said Society of Merchants, or to which they may be or become entitled by virtue thereof, or for which they are answerable or liable, and also all Sum and Sums of Money that have been subscribed or may hereafter be subscribed for the Purpose of being added to the said Trust Monies, shall

Funds for building the Bridge vested in Trustees.

shall be and the same are hereby vested in the Master for the Time being of the said Society of Merchants, the Senior Sheriff for the Time being of the City and County of the City of *Bristol*, and *Thomas Daniel* Esquire, and their Successors, to be elected in manner hereinafter mentioned, as Trustees, freed and for ever absolutely discharged and exonerated of and from all and every the Conditions, Uses, and Trusts contained in the said herein-before recited Will of the said *William Vick* of the First Day of *December* in the Year of our Lord One thousand seven hundred and fifty-three, created, limited, expressed, or provided of and concerning the same, but nevertheless upon the several Trusts, and to and for the several Ends, Intents, and Purposes herein-after expressed and declared of and concerning the same.

Power to appoint additional Trustees.

II. And be it further enacted, That it shall be lawful for the said Trustees, or any Two of them, and they are hereby authorized and required, at their First Meeting to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Thirty-five in the whole, nor less than Twenty, to be Trustees for the Purposes of this Act, together with the said Trustees hereby appointed; and such Trustees so to be elected, and being qualified according to the Directions of this Act, together with the said Trustees hereby appointed, shall be and they are hereby declared to be Trustees for carrying this Act into execution; and all and every the Powers, Authorities, Directions, Matters, and Things by this Act given to or directed to be done by or before the Trustees appointed or to be appointed under or by virtue of this Act, shall and may be exercised, had, and done by or before the major Part of them present at any of their Meetings to be holden in pursuance of this Act, the Number present not being less than Five (except as to the said First Meeting to be held under this Act, and except in such Cases as are herein otherwise particularly mentioned); and all such Acts, Matters, and Things when so done shall be of as full Force and Effect as if done or executed by or before all the said Trustees: Provided nevertheless, that Three Trustees present at any Meeting shall be sufficient for the Purpose of adjourning.

Further Power for electing Trustees.

III. Provided always, and be it further enacted, That in case the said Trustees hereby nominated and appointed shall at their First Meeting elect a less Number than Thirty-five Persons to be Trustees with them for the Purposes of this Act, then it shall be lawful for the said Trustees appointed under the Provisions of this Act, at any subsequent Meeting or Meetings to be holden in pursuance of this Act, to elect such additional Number of Persons to be Trustees for the Purposes of this Act as, together with those so to be elected as aforesaid, shall not exceed the Number of Thirty-five in the whole; and such Trustees so elected shall have and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been elected at the First Meeting of the said Trustees hereby appointed.

For electing new Trustees on Vacancies.

IV. And be it further enacted, That when and so often as any of the Trustees appointed or to be appointed under or by virtue of this Act,

Act, or to be elected in manner herein-after mentioned, (except such Persons as are hereby declared to be Trustees by virtue of their Situation or Office,) shall die, or shall refuse or neglect to act, or by Bankruptcy, Insolvency, or otherwise, shall be incapable of acting, or shall cease to have the Requisites of a Qualification as herein-after is mentioned, then and in every such Case it shall be lawful for the surviving or remaining Trustees, at any Meeting to be called for that Purpose, from Time to Time to elect and appoint another fit and proper Person or other fit and proper Persons to be a Trustee or Trustees in the Place and Stead of such Trustee or Trustees as shall have died, refused, or neglected to act, or become incapable of acting; and particularly when and so often as the Trustees for the Time being appointed by or under this Act shall by any of the Ways or Means aforesaid be reduced to Eighteen in Number, the then surviving or remaining Trustees shall and they are hereby required forthwith to elect and nominate other fit and proper Persons (not being less than Ten) as Trustees for the Purposes of this Act, in order that the same may at all Times be properly executed and performed; and every Trustee who shall be so elected and appointed as aforesaid (having taken and subscribed the Oath or Affirmation herein-after directed, and being qualified in manner herein-after mentioned,) shall have the same Power and Authority to act in the Execution of this Act as was vested in the Trustee in whose Place or Stead he shall have been elected and appointed as aforesaid.

Qualification of Trustees.

V. Provided always, and be it further enacted, That no Person (except he shall be or become a Trustee by virtue of his Situation or Office) shall be capable of being elected or appointed a Trustee, or of acting as a Trustee, under this Act, unless at the Time of his Election or Appointment and acting he shall be seised or possessed, either in his own Right, or in the Right of his Wife, of an Estate in Fee Simple or for a Term of Life, or for a Term of Years whereof Fifty Years at least shall be then unexpired, of and in Lands, Tenements, or Hereditaments situate within the said Counties of *Gloucester* and *Somerset* and in the City and County of the City of *Bristol*, some or One of them, of the clear and net yearly Value of Fifty Pounds over and above all Incumbrances, or unless he shall be possessed of a Real or Personal Estate of the Amount or Value of Five thousand Pounds over and above what will be sufficient to satisfy all his just Debts; and if any such Person hereby appointed or who shall be elected or appointed a Trustee under this Act (except as aforesaid) shall act as such without being qualified as aforesaid, or without taking the Oath or Affirmation herein-after mentioned, or shall act as a Trustee relating to any Matter or Thing in which he shall be personally concerned or interested, or being a licensed Victualler, or being concerned or interested in any Contract relating to this Act, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so sued or prosecuted shall prove that he

is qualified, and not disqualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Trustee under or by virtue of this Act: Provided also, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified or being disqualified as aforesaid, previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been duly qualified and not disqualified to act as a Trustee or Trustees according to the Directions of this Act: Provided nevertheless, that no Justice of the Peace shall be disqualified from acting as such Justice in any Case within his Jurisdiction, by reason only of his being one of the Trustees for executing this Act, or of being a Creditor on the Tolls granted by this Act.

Acts of Trustees not duly qualified to be good until Conviction.

VI. Provided also, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (except in administering the following Oath or Affirmation) until he shall have taken and subscribed an Oath or Affirmation in the Form or to the Effect following; (that is to say,)

Trustees to take an Oath before acting.

'I *A. B.* do swear, [*or, as the Case may be, being one of the People called Quakers*, do solemnly affirm,] That I will faithfully, impartially, and honestly, according to the best of my Skill, Knowledge, and Judgment, execute the several Trusts and Powers reposed in me as a Trustee by virtue of an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act*], without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever.

'So help me GOD.'

[*Or, being a Quaker, omitting the Words,* 'So help me God.']

Oath.

Which Oath or Affirmation it shall be lawful for any One of the said Trustees to administer, and he is hereby required to administer the same to any other of the said Trustees; and the said Oath or Affirmation so taken and subscribed by each such Trustee shall be entered in the Book of Proceedings of the said Trustees to be kept by their Clerk for the Time being.

VII. And be it further enacted, That the First Meeting of the said Trustees hereby nominated and appointed shall be held at the Merchants Hall in the said City of *Bristol*, or at some other convenient Place within the said City, on the Third *Thursday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and One of the Clock in the Afternoon; and the Trustees then and there present shall and may take and adopt such Measures for putting this Act into execution as may appear suitable and requisite in that Behalf, and shall then and from Time to Time afterwards adjourn their Meetings, and meet again at the same Place, or in such other convenient Place within the said City, or within the Distance of Two Miles

First Meeting of the Trustees.

Miles from the Boundary thereof, and at such Time or Times, as the said Trustees shall from Time to Time think proper and convenient for the due Execution of this Act: Provided always, that the said Trustees shall, at all their Meetings to be holden in pursuance of this Act, pay and defray their own Expences, except any Sum, not exceeding Ten Shillings *per Diem*, for the Use of the Room wherein they shall meet; and at every Meeting of the said Trustees One of the Trustees present shall be appointed Chairman, who, in case of an Equality of Votes upon any Question or Matter brought before them, shall have the decisive or casting Vote, in addition to the Vote he may have before given.

Meetings on Emergencies.

VIII. And be it further enacted, That if it shall at any Time or Times be thought necessary that a Meeting of the said Trustees should be holden after any Adjournment on an earlier Day than the Day to which such Meeting shall have been adjourned, or if, for Want of a proper Adjournment at any Meeting of the said Trustees, the said Meetings shall have been discontinued, then and in every such Case any One or more of the said Trustees, or the Clerk or Clerks of the said Trustees, (on an Order or Requisition signed by Five or more of them, mentioning the Time, Place, and Purpose of such Meeting, being given to him or them, or left at his or their last or usual Place of Abode,) shall forthwith give Notice of a Meeting to be holden on such Day, in Writing, to be given to or left at the last or usual Place of Abode of each of the said Trustees, or by inserting a Copy of such Notice in some One of the *Bristol* Newspapers, Eight Days at least before every such Meeting, and of the Time, Place, and Purpose which shall be mentioned in the Order or Requisition of the said Trustees (such Time not being less than Eight Days after such Notice); and all the Proceedings of the said Trustees at such Meeting, if called for any special Business, shall, so far as the same relate to the Business specified in such Notice, or if called merely for Want of a proper Adjournment, shall, for all the Purposes of this Act, be as good and valid as they would have been in case such Trustees had met in pursuance of an Adjournment.

Committees may be appointed.

IX. And be it further enacted, That it shall be lawful for the said Trustees to nominate and appoint One or more Committee or Committees (every such Committee to consist of Three or more Persons) out of the said Trustees to investigate, transact, and manage particular Departments of Business; and such Committee or Committees shall have full Power and Authority to do, execute, and perform all Matters and Things whatsoever which the said Trustees shall from Time to Time intrust to the Management of such Committees; and such Committees shall meet at such Times and Places within the said City, or within the Distance of Two Miles from the Boundary thereof, as they shall think proper; and all Powers which shall be vested in the said Committees by the said Trustees shall be exercised by the major Part of them present at their respective Meetings; and such Committees shall from Time to Time make Reports of their Proceedings to the said Trustees, as the said Trustees shall direct; but the Acts of the said Committees shall not be valid unless the same

shall

shall be adopted, ratified, and confirmed by the said Trustees at some of their Meetings to be held under or by virtue of this Act.

As to revoking of Orders.

X. And be it further enacted, That no Order made by any Five or more of the said Trustees shall be revoked or altered unless at a Meeting to be held for that Purpose, of which proposed Revocation or Alteration Ten Days Notice at least shall be given at a previous Meeting of the said Trustees, and entered in their Book of Proceedings, and unless a Copy of the said Notice (stating also the Time and Place of the Meeting when the Subject will be taken into Consideration) be given in Writing to or left at the last or usual Place of Abode of each of the said Trustees, or by inserting of the same in One or more of the *Bristol* Newspapers, Eight Days before the said Meeting, nor shall any such Order be revoked or altered unless there shall be Ten Trustees present at such Meeting.

Proceedings to be entered in Books, and be open to Inspection.

XI. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book, and proper Entries to be made therein of the Names of the several Trustees who shall attend the respective Meetings, and of all Orders and Proceedings made or taken relative to the Execution of this Act; and the Chairman of every Meeting of the said Trustees shall subscribe his Name at the End of the Proceedings of the said Trustees at such Meeting; and all such Books, and also all Books kept for registering Mortgages of the Tolls, or Transfers thereof, as herein-after mentioned, shall be admitted as Evidence in all Courts and upon all Occasions whatsoever; and all such Books shall at all seasonable Times be open to the Inspection of the said Trustees and of any Creditor on the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from such Books respectively without paying any thing for the same; and in case the Clerk or Clerks to the said Trustees, or other Person or Persons having the Care of such Books, shall refuse to permit or shall not permit the said Trustees or such Creditors to inspect the same or take Copies or Extracts as aforesaid, every such Clerk or other Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

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

XII. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time and at all Times to order and direct a Book or Books to be provided and kept by their Clerk or Clerks for the Time being, in which Book or Books such Clerk or Clerks shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of and under this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been received, paid, disbursed, laid out, and expended; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Monies to be raised by virtue of this Act, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case any Clerk shall refuse to permit or shall not permit any of the said Trus-

tees or any such Creditor to inspect any such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Power to appoint Officers, &c.

XIII. And be it further enacted, That the said Trustees shall and may, whenever they shall think proper, appoint and employ a Treasurer or Treasurers, Clerk or Clerks, Surveyor or Surveyors, and such other Officer or Officers, Person or Persons, for the Execution of this Act, or for any other Matter or Thing relating to the Powers hereby vested in the said Trustees, as they the said Trustees shall think proper; and the said Trustees shall and may from Time to Time remove them or any of them, and in like Manner appoint others in the Room of those removed, and out of the Tolls and other Monies to be raised and received by virtue of this Act, pay such Salaries, Wages, or Allowances to the said Officers and other Persons as they the said Trustees shall think reasonable; and the said Trustees shall and they are hereby required to take sufficient Security from every Treasurer, Collector, or other Receiver of Money to be appointed under this Act, for the faithful Execution of his Office, and may also take such Security from any other Officer as they shall think reasonable; which Securities may be taken either in the Name or Names of the Clerk or Clerks to the said Trustees, or in the Names of any Three or more of the said Trustees for the Time being.

Treasurer and Clerk not to be the same Person.

XIV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person or Persons who 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 of his Partner, the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who 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 or of his Partner, the Clerk or Clerks to the said Trustees; and if any Person or Persons 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 other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy or Deputies of such Treasurer or Treasurers, or shall in any Manner officiate for such Treasurer or Treasurers in the Execution of this Act, 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 of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy or Deputies of such Clerk or Clerks, or shall in any Manner officiate for such Clerk or Clerks in the Execution of this Act, or if any such Treasurer shall hold any Place of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any

Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Officers to account.

XV. And be it further enacted, That every such Officer or Person so to be appointed or employed under this Act shall under his Hand (at such Time or Times and in such Manner as the said Trustees shall direct) deliver to the said Trustees, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Tolls and other Monies which shall have been received by such Officers and Persons respectively by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the Vouchers for such Payments, and shall pay all such Money as shall remain due from him to the said Trustees or their Treasurer, or to such other Person or Persons as they shall appoint; and if any such Officer or Person shall refuse or wilfully neglect to make and render any such Accounts, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by Notice in Writing, signed by the Clerk or Clerks of the said Trustees, to be given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give Information and Satisfaction to the said Trustees respecting the same, then and in every such Case, upon Complaint made by the said Trustees, or by their Clerk or Clerks, or by any Person or Persons whom the said Trustees shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace for the County, Division, City, Town Corporate, or Place wherein such Offender or Persons so neglecting or refusing shall be or reside, such Justice may and he is hereby authorized and required to summon the Officer or Person so refusing or neglecting before him, and upon his appearing, or having been summoned and not 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 by the Testimony of any credible Witness or Witnesses upon Oath, or Affirmation of a Quaker, (which Oath or Affirmation such Justice is hereby empowered to administer,) it shall appear to such Justice that any of the Monies which have been collected and raised by virtue of this Act shall be in the Hands of such Officer or Person, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods and Chattels of such Officer or Person shall be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if it shall appear to such Justice that such Officer or Person shall have refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relative to the Matters and Things

Things aforesaid shall be in the Custody or Power of such Officer or Person, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice shall and may and he is hereby authorized to commit such Offender to the Common Gaol or House of Correction for the County, City, Division, Town Corporate, or Place where such Offender shall be or reside, there to remain, without Bail or Mainprize, until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Trustees are hereby empowered to make and receive,) and until he shall have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be committed by virtue of this Act, on account of his not having sufficient Goods and Chattels, shall be detained in Prison for any longer Term than Six Calendar Months: Provided also, that if any Money shall remain due from such Officer or Person, Officers or Persons, the Commitment of him or them to Prison shall not be deemed a Discharge for the same, nor exonerate his or their Surety or Sureties; but such Officer and Officers or Person and Persons, and his and their Surety and Sureties, shall remain liable to the Payment thereof in the same Manner as if such Officer or Person had not been committed to Prison.

For appointing a temporary Collector, &c.

XVI. Provided always, and be it further enacted, That as often as any Collector or Receiver of the Tolls or other Money to be received by virtue of this Act, or other Officer employed by the said Trustees, shall die, or become incapable of acting in the Execution of this Act, or shall neglect to perform his Duty therein, it shall be lawful for the said Trustees, or any Three or more of them, although not assembled at a Meeting held pursuant to this Act, or for any Committee of the said Trustees that may be appointed as herein-before mentioned, by any Writing under their respective Hands, to appoint another Person in his Place or Stead, until a Collector or Receiver or other Officer as aforesaid shall be appointed by the said Trustees at a Meeting to be held pursuant to this Act, any thing herein contained to the contrary notwithstanding; and such temporary Officer shall be subject to all the Provisions of this Act in the same Manner as if he had been appointed by the said Trustees at a Meeting held pursuant to this Act.

Trustees may sue and be sued in the Name of One of them, or of their Clerk.

XVII. And be it further enacted, That the said Trustees may, in all Actions and Proceedings which may be necessary to be brought or instituted for or in respect of any Matter or Thing arising out of or relating to this Act, sue and be sued, plead and be impleaded, in the Name or Names of any One or more of them, or in the Name or Names of their Clerk or Clerks for the Time being; and no Action or Proceeding which may be brought or instituted by or against the said Trustees by virtue of or on account of this Act shall abate or be discontinued by reason of the Person or Persons, or any or either of them, in whose Name or Names such Action or Proceeding may be brought

brought or instituted or may be defended, ceasing to be a Trustee or Trustees, or by reason of the Death, Suspension, or Removal of such Clerk or Clerks, or by any Act or Default of such Trustee or Trustees, Clerk or Clerks, done or suffered without the Consent or Direction of the said Trustees; but such Trustee or Trustees, Clerk or Clerks, shall be deemed Plaintiff or Defendant, Plaintiffs or Defendants, in any such Action or Proceeding, as the Case may be, except in Cases of Actions or Proceedings between the said Trustees and their Clerk or Clerks for the Time being, in all which Actions or Proceedings any One or more of the said Trustees shall always be Plaintiff or Defendant, Plaintiffs or Defendants, as the Case may be: Provided always, that in all Cases in which any One or more of the said Trustees, or the Clerk or Clerks for the Time being as aforesaid, shall be the Plaintiff or Defendant on the Record in any Action or Proceeding in which in effect the said Trustees shall be suing or be sued in the Name or Names of such Trustee or Trustees or Clerk or Clerks as aforesaid, such Trustee or Trustees or Clerk or Clerks as aforesaid may and shall, if not otherwise interested or objectionable, be a good and competent Witness in such Action or Proceeding either for or against the said Trustees; and all Affidavits of Debt or Service which may be necessary to be made in reference to any such Action or Proceeding shall and may be lawfully made by such Trustee or Trustees or Clerk or Clerks, as the Case may be, notwithstanding he shall be nominal Plaintiff or Defendant on the Record as aforesaid: Provided also, that every such Trustee or Clerk in whose Name any Action or Proceeding shall be instituted or defended as aforesaid shall always be reimbursed, out of the Monies to arise by virtue of this Act, all such Costs and Expences as he shall incur or become chargeable with by reason of his being so made Plaintiff or Defendant, and shall not be personally answerable or liable for the same, unless such Action or Proceeding shall have arisen in consequence of his own wilful Neglect or Default, or have been instituted or defended without the Order or Direction of the said Trustees.

Trustees or Clerk to be competent Witnesses.

XVIII. And be it further enacted, That all and every the Timber, Stones, Bricks, Iron, Lead, and other Materials which shall be purchased or procured by Order of the said Trustees for the Purpose of erecting and building the said Bridge, and for making the Roads and Approaches thereto, and also the Materials of any Buildings or Hereditaments which may be purchased by the said Trustees for the Purposes of this Act, shall belong to and be the Property of, and the same and each and every of them and every Part and Parcel thereof are and is hereby vested in the said Trustees; and it shall be lawful for the said Trustees to bring or cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment (as the Case may require), against any Person or Persons who shall steal, remove, take or carry away the Stones, Timber, Iron, and other Materials hereby vested in the said Trustees, or any of them, or any Part or Parts thereof respectively; and in all such Actions and Bills of Indictment it shall be and be deemed and taken to be sufficient to state generally that the said Bridge, Buildings, Articles, or Things for or on account of which such Action or Actions shall be brought

Materials, &c. vested in Trustees.

or Bill or Bills of Indictment preferred is or are the Property of "The Trustees for building a Bridge over the River *Avon*, from *Clifton* in the County of *Gloucester* to the opposite Side of the River in the County of *Somerset*, and for making necessary Roads and Approaches to communicate therewith," without particularly stating or specifying the Names of all or any of the said Trustees.

Trustees to build a Bridge and make Approaches thereto.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to erect and build, or cause to be erected and built, and to complete, maintain, and keep in repair, a Chain or Suspension Bridge over the said River *Avon*, from *Clifton Down* in the County of *Gloucester* to the opposite Side of the River in the County of *Somerset*, and also necessary Roads and Approaches to communicate therewith; that is to say, a Road commencing at the Termination of the said Bridge on the *Gloucestershire* Side thereof into the Turnpike Road leading from *Bristol* and *Clifton* to *Kingsweston*, and a Road or Roads commencing at the Termination of the said Bridge on the *Somersetshire* Side thereof into the Turnpike Road leading from *Long Ashton* to the Village of *Abbotts Leigh*; and to dig and make proper Foundations on the Lands and Grounds lying on each Side thereof for the Abutments of the said Bridge, and to cut and level the Banks on each Side of the said River in such Manner as shall be necessary and proper for building the said Bridge, and to execute all other Things requisite and necessary, useful or convenient, for erecting and building, maintaining and supporting, the said Bridge; and the said Bridge shall be of such Form, Construction, and Dimensions, and be erected and built of such Materials, as the said Trustees shall think proper.

Approaches to be fenced off.

XX. Provided also, and be it further enacted, That the said Trustees shall and they are hereby required to fence off and separate such Part and Parts of the Lands and Grounds of Sir *John Smyth* Baronet, as they shall or may set out and appropriate for the Purposes of this Act from the Residue of such Lands or Grounds with good and sufficient Stone and Mortar Walls of the Height of Five Feet at the least from the Level of the Ground, which Walls, when built, shall be and be deemed the Property of the said Sir *John Smyth* and the Person or Persons for the Time being entitled to the Lands on which the same shall be built; and the Wall so built on the Land of the said Sir *John Smyth* on the South Side of the Line laid down for the Road or Approach to the said Bridge in the Maps or Plans herein-after referred to shall be erected on such Foundations as shall be fit, proper, and sufficient for the Support of a Wall Twelve Feet high from the Level of the Ground, in case the said Sir *John Smyth* or such Person or Persons as aforesaid shall be minded or desirous to raise the same to that Height; and the said Trustees shall and they are hereby required, in all Cases where any Boundary Wall or Walls shall be pulled down for the Purposes of this Act, to erect and build in the Room or Stead thereof a good and substantial Wall or good and substantial Walls of the same Height as the Wall or Walls which shall be so pulled down.

Power to take Lands, &c.

XXI. And be it further enacted, That for the Purposes of this Act the said Trustees, their Deputies, Servants, Agents, Surveyors, and Workmen, shall be and they are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, or Body Politic, Corporate, or Collegiate whatsoever, according to the Provisions and Directions of this Act, and to survey and take Levels of the same or of any Part thereof, and to set out and appropriate for the Purposes of this Act such Parts thereof as they are by this Act empowered to take or make use of, and there to bore, dig, cut, trench, embank, and sough, and also to remove, take, carry away, lay, and use, any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things which may be dug, raised, or gotten in the Execution of this Act, adjoining or contiguous to such Bridge, Roads, and Approaches, which may be proper or necessary for making, maintaining, altering, or repairing or carrying on the said Works, or which may obstruct the making, maintaining, or using the same, according to the Intent and Meaning of this Act; and also to make and construct in, under, or upon the said Bridge, Roads, and Approaches, or any or either of them, or upon the Lands adjoining the same, such and so many Landing Places, Engines, or other Machinery, Apparatus, and other Works and Conveniences, as the said Trustees shall think proper for the Purposes of the said Undertaking, and also from Time to Time to alter, repair, or discontinue the same or any of them, and to substitute others in their Stead; and also to place, lay, work, and manufacture the Materials necessary for the making or maintaining and repairing the said Bridge, Roads, and Approaches, on the Lands or Grounds adjoining, within the Distance aforesaid, where the said Works, or any of them, shall be made, erected, repaired, or done; and generally to do and perform all other Acts, Matters, and Things necessary or convenient for the making, maintaining, repairing, improving, and using the said Bridge, Roads, and Approaches; they the said Trustees, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction, in manner herein-after mentioned, to the Owners or Proprietors of and to all Persons interested in any Lands, Tenements, or Hereditaments which shall be taken, used, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Trustees and all other Persons whomsoever for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are herein-after mentioned and contained.

For preventing Injury to Towing Paths.

XXII. And be it further enacted, That in all Cases when in exercise of the Powers hereby granted any Part of any Towing Path shall be found necessary to be diverted, appropriated, taken, occupied, or so much injured as to be impassable for Men and Horses in the towing of Ships or other Vessels, or for the Persons entitled to the Use thereof, the said Trustees, or other the Person or Persons exercising such Powers, shall, at their own Expence, and before any such Towing Path shall be diverted, appropriated, taken, occupied, or injured

injured as aforesaid, cause a good and sufficient Towing Path to be set out and made instead thereof, as convenient for Men and Horses in the towing of Ships or other Vessels as the present Towing Path so to be diverted, appropriated, taken, occupied, or injured as aforesaid, or as near thereto as may be, and shall cause the same to be put into good and substantial Order and Condition, where the former Towing Path cannot consistently with the due Execution of the Purposes of this Act be restored.

Encroachment not to be made on the River Avon.

XXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize the said Trustees at any Time hereafter, during the Progress or after the Completion of the Works by this Act authorized to be made, to make or cause to be made any Encroachment in or upon the said River *Avon*, or the Bed, Course, Channel, or Banks thereof, or the Towing Paths on either Side of the said River, or any Part thereof, or to use, convert, or apply the same, or any Part thereof respectively, for all or any of the Purposes of this Act, or to put, place, or lay any Machinery, Apparatus, Engines, Works, Erections, Buildings, Materials, Stone, Rubble, or any other Matter or Thing in or upon the said River, or the Bed, Course, Channel, or Banks thereof, or any Part thereof, or in or upon the said Towing Paths, or either of them, or any Part thereof respectively, or to do any other Act, Matter, or Thing, under the Authorities vested in them by this Act, so as that by reason or means of any or either of the Acts, Matters, and Things before mentioned, the free and uninterrupted Use and Navigation of the said River *Avon*, and the Flow and Reflow of the Tide therein, and the free and uninterrupted Navigation and Passage of any Ship, Lighter, Barge, Boat, or other Vessel in, upon, over, and through the said River, and the free and uninterrupted Use and Enjoyment of the Towing Paths, and the passing and repassing of Men and Horses in the towing of Ships or other Vessels thereon, or on any Part thereof, shall or may be impeded, obstructed, hindered, delayed, or prevented in any Manner whatsoever.

Earth, Rubbish, &c. falling into the River Avon to be removed without Delay.

XXIV. Provided always, and be it further enacted, That if at any Time hereafter, as well during the Progress as after the Completion of the said Works, the said Bridge, or any Part thereof, or the Materials thereof, or any Building or Erection belonging thereto, or any Earth, Timber, Stone, Soil, Rubbish, Dirt, or other Matter or Thing whatsoever used or to be used in the making, maintaining, altering, or repairing the said Works, shall, from any Cause whatsoever, and whether the same shall arise from Decay, Negligence, Accident, Tempest, or otherwise howsoever, fall into, be placed or deposited in or upon the said River *Avon*, or the Bed, Course, Channel, or Banks thereof, or in or upon the said Towing Paths, or either of them, or any Part thereof respectively, so as that by reason or means of any or either of the Acts, Matters, and Things before mentioned, the free and uninterrupted Navigation of the said River, and the free and uninterrupted Use of the said Towing Paths, or either of them, or any Part or Parts thereof respectively, shall or may be impeded, hindered, delayed, or prevented in any Manner whatsoever, or if any Obstruction, Nuisance, Purpresture, Accretion, or Impediment shall happen in or to

to the said River, or in or to the Navigation thereof, or any Part thereof, or to the said Towing Paths, or any Part thereof respectively, by reason or means of any of the Works authorized to be done and performed under the Authority of this Act, whereby the free and uninterrupted Navigation of the said River, and the free and uninterrupted Use of the said Towing Paths, or either of them, or any Part or Parts thereof respectively, shall or may be impeded, hindered, delayed, or prevented in any Manner whatsoever, then and in every such Case, and as often as the same shall so happen, the said Trustees shall, at their own Costs and Charges, and with the least possible Delay, remove and take away all and singular such several Materials, Obstructions, Nuisances, Purprestures, Accretions, and Impediments, Matters, and Things as herein-before mentioned; and in case they the said Trustees shall omit or neglect so to do for the Space of Three Days next after the same shall respectively arise, happen, or occur, then it shall be lawful for the Mayor, Burgesses, and Commonalty of the said City of *Bristol*, and their Successors, and for their Agents, Servants, or Workmen, to remove and take away the same; and in case the said Trustees shall refuse or neglect to pay the Costs, Charges, and Expences which shall be incurred in or be incident to removing the same, for the Space of Three Days after Demand thereof made upon either of the said Trustees, or their Treasurer or Clerk for the Time being, by any Agent or Officer of the said Mayor, Burgesses, and Commonalty, such Costs, Charges, and Expences shall and may be recovered in any of His Majesty's Courts of Record by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Wager of Law, Privilege, or Protection, or more than One Imparlance, shall be allowed.

Plans deposited with the Clerks of the Peace to remain there, and be open to Inspection.

XXV. And whereas Maps or Plans describing the Lines of the Roads and Approaches to the said Bridge, and the Lands, Tenements, and Hereditaments through, over, or upon which the same are intended to be carried or made, together with Books of Reference thereto, containing Lists of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Lands, Tenements, and Hereditaments, have been deposited with the Clerks of the Peace for the said Counties of *Gloucester* and *Somerset* and the City and County of the City of *Bristol*; be it therefore further enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of and shall be kept by the said Clerks of the Peace; and all Persons interested in any Manner in any such Lands, Tenements, and Hereditaments shall at all reasonable Times have Liberty to inspect and peruse the same, and to have Copies of or Extracts from the same, paying to the said Clerks of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Maps or Plans and Books of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which shall be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Limiting the Deviation from Plan.

XXVI. And be it further enacted, That the said Trustees, in erecting and building the said Bridge, shall not deviate more than One hundred Yards from the Site laid down in the said Maps or Plans,

Plans, without the Consent in Writing of the Person or Persons, Party or Parties, through, over, or upon whose Lands, Tenements, or Hereditaments any such Deviation shall be made; and in making and forming the said Roads and Approaches shall not, without the like Consent as aforesaid, deviate through the Ground of the said Sir *John Smyth*, in the said Maps or Plans numbered Twenty-three, more than Forty Yards from the Line therein described and coloured Red, nor through any other of the Lands of the said Sir *John Smyth* shall deviate in any respect from the Line in the said Maps or Plans described for the said Roads and Approaches, except so far only as may be rendered necessary by any such Deviation or Variation as aforesaid in the Site of the said Bridge; and that in making or forming the said Roads and Approaches through any other Lands, Tenements, or Hereditaments, shall not, without the like Consent as aforesaid, deviate more than One hundred Yards from the Line described on the said Maps or Plans.

Limiting the Power of entering upon the Lands of Sir John Smyth.

XXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to authorize or empower the said Trustees to enter into or upon any other of the Lands of the said Sir *John Smyth* than such as shall be set out and ascertained to be taken and used for the Foundations and Abutments of the said Bridge, the Roads and Approaches thereto, and the Landing Places and other Works and Conveniences proper for the Purposes of the Undertaking; and no Materials necessary for making or maintaining and repairing the said Bridge, Roads, and Approaches, shall be placed on any Lands or Grounds adjoining to the said Bridge, Roads, and Approaches, belonging to the said Sir *John Smyth*, to any greater Extent than One hundred Yards on each Side of the Abutments of the said Bridge, and of the Roads and Approaches thereto, nor shall any Timber Tree or Timber Trees growing and being on any of the Lands or Grounds of the said Sir *John Smyth* be cut down or destroyed, other than such as shall be standing or growing on so much of the said Lands or Grounds as shall be ascertained and set out and taken and used for the Abutments of the said Bridge, Landing Places, Works and Conveniences, Roads and Approaches, without the Consent in Writing of the said Sir *John Smyth* or his Assigns, or the Person or Persons for the Time being entitled in Possession to the same Lands or Grounds.

Not to take down any Houses not mentioned in Schedule, without Consent.

XXVIII. Provided always, and be it further enacted, That the Powers and Authorities hereby given for making the said Roads and Approaches shall not authorize the said Trustees to pull down or take or use any Dwelling House or other Building, or to take or use any Orchard, Garden, Yard, or Paddock, Lawn, Shrubbery, Plantation, planted Walk, or Avenue to a House, or any Land or Ground whatsoever, or any Part thereof respectively, without the Consent in Writing of the Owners or Proprietors thereof or other Persons interested therein first had and obtained, except such as are mentioned in the Schedule to this Act annexed.

Unintentional Errors

XXIX. Provided also, and be it further enacted, That it shall be lawful for the said Trustees to make the said Roads and Approaches upon,

upon, in, over, or through any Lands, Tenements, or Hereditaments upon, in, over, or through which such Roads or Approaches are delineated on the said Maps or Plans, although such Lands, Tenements, or Hereditaments, or any of them, or the Situation thereof respectively, or the Names of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act or in the Schedule thereto, or in the said Book of Reference, if it shall appear to any Two or more Justices of the Peace for the County wherein such Lands, Tenements, or Hereditaments may be situate, in case of Dispute about the same, and be certified in Writing under their Hands, that such Omission, Misstatement, or erroneous Description apparently proceeded from Mistake.

in Act, Plan, or Book of Reference, not to prevent Execution of Act.

XXX. And be it further enacted, That if the said Trustees shall not, within the Space of Five Years, to be computed from the passing of this Act, agree for or cause to be valued and pay for, as hereinafter mentioned, the several Buildings, Lands, Tenements, and Hereditaments which they are hereby empowered to purchase as aforesaid, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth all the Powers which are hereby granted to them for such Purpose only shall cease and be utterly void (save and except with the Consent in Writing of the Owners and Occupiers thereof respectively).

Limiting Period of purchasing Property.

XXXI. And whereas, by reason of taking down Houses and Buildings and making Alterations in pursuance of this Act, there may be Deficiencies in the Assessments for the Land Tax in the several Parishes through which the said Bridge, Roads, and Approaches will pass and be situate; be it therefore enacted, That for preventing the same the said Trustees shall, from and after the said Trustees shall become seised or possessed of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Tax (unless the said Trustees shall redeem the same), be subject and liable to pay to or in aid of the said Parishes, out of the Monies to arise by virtue of this Act, all such Money as shall be deficient in the said Assessments for Land Tax within the said Parishes by reason of taking down or using for the Purposes of this Act any Houses, Buildings, and Premises liable to such Assessments, according to the Rental at which the same are valued or rated at the Time of passing this Act; and the Treasurer to be appointed under this Act is hereby required to pay all such Assessments, on Demand, to the Collector or Collectors of the Land Tax Assessments accordingly.

For supplying Deficiencies in the Land Tax.

XXXII. And be it further enacted, That after any Buildings, Lands, Tenements, or Hereditaments intended to be taken or used for the Purposes of this Act shall have been set out and ascertained, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever,

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

whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and for all Femes Covert who are or shall be seised, possessed, or interested in their own Right, or entitled to Dower or other Interest therein, and for all other Persons whomsoever, who are or shall be seised or possessed of or interested in any such Lands, Tenements, or Hereditaments as shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same, and every Part thereof, unto the said Trustees.

For the Conveyance of Lands, &c.

XXXIII. And be it further enacted, That all such Contracts, Conveyances, and Assurances of Buildings, Lands, Tenements, and Hereditaments taken or made use of for the Purposes of this Act, shall be made at the Expence of the said Trustees, and shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; (that is to say,)

Form of Conveyance.

'I of in consideration of the Sum of to me [*or as the Case may be*] paid 'by the Trustees acting in the Execution of an Act of Parliament 'passed in the Eleventh Year of the Reign of His Majesty King *George* 'the Fourth, intituled [*here insert the Title of this Act*], do hereby 'grant and alien to the said Trustees and their Successors all [*de-'scribing the Premises to be conveyed*], together with all Ways, Rights, 'and Appurtenances thereunto belonging, and all such Estate, Right, 'Title, and Interest in and to the same, and every Part thereof, as I 'am or shall become seised or possessed of, or am by the said Act of 'Parliament capacitated or empowered to convey, to hold the Premises to the said Trustees and their Successors for ever, according 'to the true Intent and Meaning of the said Act. In witness whereof 'I have hereunto set my Hand and Seal the Day 'of in the Year of our Lord .'

And every such Conveyance and Assurance as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Estates, Interest or Interests, so thereby conveyed or aliened, and to bar and destroy all Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever.

Satisfaction to be made for Lands taken for the Purposes of this Act.

XXXIV. And be it further enacted, That all Bodies Corporate, and other Parties, herein-before capacitated or enabled to sell and convey any Buildings, Lands, Tenements, or Hereditaments, and the respective Owners and Occupiers of any Buildings, Lands, Tenements, or Hereditaments through, in, or upon which the said Bridge, Roads, and Approaches are intended to be made, may accept and receive Satisfaction for the Value of such Buildings, Lands, Tenements, and Hereditaments, or the Interest or Interests therein, by them

them or him conveyed, and also Compensation for the Damages to be sustained in the Execution of the Powers of this Act, and also of or by reason of the severing or dividing the same Buildings, Lands, Tenements, and Hereditaments, and for and on account of any Damage, Loss, Inconvenience, or Prejudice which may be sustained by such Bodies or other Parties, in such gross Sums as shall be agreed upon between the said Owners (including Persons hereby capacitated as aforesaid) or Occupiers respectively, or any of them, and the said Trustees; and in case the said Trustees and such Parties respectively do not agree as to the Amount or Value of such Satisfaction and of such Compensation, the same respectively, or either of them, concerning which they cannot or do not so agree, shall be ascertained and settled by the Verdict of a Jury, if required, as herein-after is directed.

In case Parties refuse, or are incapable to treat, the Value to be settled by a Jury.

XXXV. And for settling all Differences which may arise between the said Trustees and the several Owners of or Persons interested in any Buildings, Lands, Tenements, or Hereditaments which shall or may be taken, used, damaged, affected, or prejudiced by the Execution of any of the Powers hereby granted; be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee, or other Person so interested, entitled, or capacitated to sell or agree as aforesaid, shall differ or shall not agree with the said Trustees as to the Amount of such Purchase Money or Satisfaction or other Compensation as aforesaid, or if any such Party shall refuse to accept such Purchase Money or Satisfaction or other Compensation as aforesaid, as shall be offered by the said Trustees, and shall give Notice thereof in Writing to the said Trustees within Twenty-one Days next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, Trustee, or other Person interested, entitled, or capacitated to sell as aforesaid, shall for the Space of Twenty-one Days next after Notice in Writing shall have been given to the principal Officer of such Body Politic, Corporate, or Collegiate, or to such Trustee or Person respectively, or left at his last or usual Place of Abode, or with the Occupier of any Buildings, Lands, Tenements, or Hereditaments required for the Purposes of this Act, neglect or refuse to treat or shall not agree with the said Trustees for the Sale and Conveyance of their respective Estates and Interests, or the respective Estates or Interests which he or she is capacitated or enabled to convey therein, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability, not provided for by this Act, be incapable of making such Agreement as shall be expedient for enabling the said Trustees to proceed in making the said Bridge, Roads, and Approaches, or shall not disclose and prove the State of the Title to the Premises of which he or she may be in Possession and claim to be entitled unto or interested in, or in any other Case where Agreement for Compensation for Damage incurred in or about forming the said Bridge, Roads, and Approaches, in the Execution of this Act, cannot be made; then and in every such Case the said Trustees shall and may and they are hereby empowered and required from Time to Time to issue a Warrant to the Sheriff of the said County of *Gloucester*, or to the

Sheriff of the said County of *Somerset*, or to the Sheriffs of the City and County of the City of *Bristol*, (as the Case may be,) or in case any such Sheriff or his Under Sheriff shall be one of the said Trustees, or enjoy any Office of Trust or Profit under them, or shall be in anywise interested in the Matters in question, then to any of the Coroners of such County or City and County, not interested as aforesaid, or if all the Coroners shall be so interested, then to some Person then living in the said County or City and County, and free from all personal Disability, who shall have filled the Office of Sheriff or Coroner in the said County or City and County, and not being interested as aforesaid, (a Person having more recently served either Office being always selected in preference to a Person having more anciently served the same Office,) commanding such Sheriff or Sheriffs or Coroner or other Person to impannel, summon, and return, and the said Sheriff or Sheriffs, Coroner, or other Person is and are hereby accordingly authorized and empowered and required to impannel, summon, and return, a Jury of at least Eighteen sufficient and indifferent Men qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*; and the Persons so to be impannelled, summoned, and returned, are hereby required to appear before the said Sheriff or Sheriffs, Under Sheriff, Coroner, or other Person, at such Time and Place as in such Warrant shall be directed or appointed, and to attend from Day to Day until discharged; and out of such Persons so to be impannelled, summoned, and returned, a Jury of Twelve Men shall be drawn by the said Sheriff or Sheriffs, Under Sheriff, or Coroner or other Person, or by some Person to be by him or them appointed, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff or Sheriffs, Under Sheriff, Coroner, or other Person shall return other honest or indifferent Men of the Standers-by, or of others that can be speedily procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Sheriff or Sheriffs, Under Sheriff, Coroner, or other Person is and are hereby empowered and required to summon before him or them all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question or dispute, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, Matter or Matters, in controversy; and such Jury shall, upon their Oaths, or, being of the Society called *Quakers*, upon their solemn Affirmations, (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations of such Persons as shall be called upon to give Evidence, the said Sheriff or Sheriffs, Under Sheriff, Coroner, or other Person is and are hereby empowered and required to administer,) inquire of, assess, and ascertain, and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of such Buildings, Lands, Tenements, and Hereditaments, except for such Interest or Interests therein as shall have been of right purchased by the

said Trustees from any other Person or Persons, and also the separate and distinct Sum or Sums of Money to be paid by way of Recompence or Compensation, either for the Damages which shall or may before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been in part only removed by the said Trustees, and which cannot or will not be further obviated, removed, or repaired by them; and the said Sheriff or Sheriffs, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Recompence, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment thereupon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes upon all Bodies Politic, Corporate, and Collegiate, and all other Persons whatsoever: Provided always, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Trustees to the Party or Parties with whom any such Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Clerk or Agent or Head Officer of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which or any Damage to which any such Question shall arise.

Value of Land and Damages to be ascertained separately.

XXXVI. Provided always, and be it further enacted, That in ascertaining the Sum of Money to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, the Jury shall also ascertain and assess the Compensation and Satisfaction to be made by the said Trustees for any Damages which shall be sustained by any Body Politic, Corporate, or Collegiate, or by any Persons, being respectively Owners, Occupiers of or interested in such Buildings, Lands, Tenements, or other Hereditaments, for or by reason of severing or dividing the same from other Buildings, Lands, Tenements, or Hereditaments whereof, wherein, or whereto such Body or Person as aforesaid shall be seised, possessed, interested, or entitled, and for or on account of the Injury, Loss, or Prejudice which shall or may accrue to or be sustained by any such Body or Person interested in such Buildings, Lands, Tenements, or other Hereditaments, or any of them, by reason of making, using, repairing, or maintaining the said Bridge, Roads, and Approaches, and other Works and Conveniences belonging thereto, or by reason of the Execution of any of the Powers given to the said Trustees, such Damages and Compensation to be settled and ascertained separately and distinctly from the Value of the Lands, Tenements, and Hereditaments so to be taken and used as aforesaid.

Compensation Money to be apportioned.

XXXVII. And be it further enacted, That the said Juries shall and they are hereby respectively empowered, if thereunto required, to settle what Shares and Proportions of the Purchase Money or Compensation for Damages, which shall be assessed as aforesaid, shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises, for his or her Interest therein.

XXXVIII. And

Verdicts to be recorded.

XXXVIII. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff or Sheriffs, Under Sheriff, Coroner, or other Person presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the County in which the Matter in dispute shall have arisen, among the Records of the Quarter Sessions for such County, and shall be deemed Records to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and no more, and also to have Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Penalty upon Sheriff, &c. Neglect of Duty.

XXXIX. And be it further enacted, That if such Sheriff or Sheriffs, Under Sheriff, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make Default in the Premises, he or they shall for every such Offence forfeit and pay the Sum of Fifty Pounds; and if any Persons so to be summoned and returned upon such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or, being of the Society of Persons called *Quakers*, to make his solemn Affirmation, or to give his Verdict, or shall in any manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act, or if any Person so to be summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn, examined, or give Evidence, every Person so offending, having no reasonable Excuse, (to be allowed by the said Sheriff or Sheriffs, Under Sheriff, Coroner, or other Person,) shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Twenty Pounds, to be levied, by virtue of any Warrant under the Hand and Seal of any Justice of the Peace for the County in which the said Buildings, Lands, Tenements, or Hereditaments shall be situate or the said Inquisition shall be held, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus of the Money so to be produced, after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

Jurors to be under the same Regulations as in Courts at Westminster.

Persons giving false Evidence subject to the Penalties of Perjury.

XL. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be subject and liable to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all Persons who, in any Examination to be taken by virtue of this Act upon their Oaths, or, being of the Society of Persons called *Quakers*, upon their solemn Affirmations, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff or Sheriffs, Under Sheriff, Coroner, or other Person, or before any Justice of the Peace acting as such in execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the Pains and Penalties to which

Persons

Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

Expences of the Jury, how to be paid.

XLI. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered by the said Trustees for the Purchase of any Buildings, Lands, Tenements, or Hereditaments to be used or taken by them for the Purposes of this Act, or as Compensation or Recompence for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury and the Expences of Witnesses shall be defrayed by the said Trustees; and such Costs and Expences shall be settled and determined by the said Sheriff or Sheriffs, Under Sheriff, Coroner, or other Person; 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 have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Trustees, or of the Treasurer of the said Trustees, (unless such Treasurer shall pay such Costs and Expences out of any Monies 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 acting within his Jurisdiction, which Warrant 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; but if the Verdict of the Jury shall be given for an equal or less Sum than shall have been previously offered by the said Trustees, in every such Case one Moiety of the said Costs and Expences shall be defrayed by the Party with whom the said Trustees shall have such Controversy or Dispute, and the other Moiety shall be defrayed by the said Trustees; and the former Moiety of such Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Party as aforesaid, as so much Money advanced to and for his Use; and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken, to all Intents and Purposes whatsoever, to be a good Payment or Tender in Satisfaction of the whole thereof: Provided always, that in all Cases where, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Trustees.

Persons requesting Juries to enter into Bonds.

XLII. And be it further enacted, That all Parties with whom the said Trustees shall have any such Controversy or Dispute shall, at their own Costs, (before the said Trustees shall be obliged to issue their Warrant for the summoning of such Jury,) enter into a Bond, with Two sufficient Sureties, to the Clerk or Clerks or Treasurer of the said Trustees, in the Penalty of One hundred Pounds, to prosecute their Complaint, and to bear and pay their Proportion (if any) of the Costs and Expences of summoning and returning such Jury and taking such Verdict, and of the summoning and of the Attend-

ance of Witnesses, in case any Part of such Costs and Expences shall fall upon them, to be paid according to the true Intent and Meaning of this Act.

Notice of Injury to be given to Trustees before Complaint is made.

XLIII. And be it further enacted, That the said Trustees shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, to receive or take notice of any Complaint to be made by any Body Corporate or Person for any Injury or Damage by them or him sustained, or supposed to be sustained, or having been discovered to be sustained, by virtue or in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing, signed by the Clerk or Treasurer or other proper Officer of such Body Corporate, or by such Person, stating the Particulars of such Injury, and the Amount of the Compensation claimed in respect thereof, shall have been given by or on behalf of such Body or Person to the said Trustees, and within the Space of Six Calendar Months after the Time such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Power to enter Lands on Payment or Tender of Purchase Money.

XLIV. And be it further enacted, That upon the Payment or legal Tender of such Sum of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury in manner aforesaid, for the Purchase of any such Buildings, Lands, Tenements, or Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein-before mentioned, to the Proprietor of such Buildings, Lands, Tenements, or Hereditaments, or other Person interested therein or entitled to receive such Money or Compensation respectively, within One Calendar Month after the same shall be so agreed for, determined, or assessed, or if the Party so entitled or interested as aforesaid cannot be found, or shall refuse to receive the same, or shall refuse, neglect, or be unable to make or prove a good Title to, or shall refuse to execute the necessary Conveyances of, the Premises, or in case such Money shall be liable to be invested in the Purchase of other Lands, Tenements, or Hereditaments, then upon Payment of such Money into the Bank of *England*, as herein-after directed, for the Use of the Parties entitled thereto, it shall be lawful for the said Trustees immediately to enter upon such Buildings, Lands, Tenements, and Hereditaments, and then and thereupon such Buildings, Lands, Tenements, and Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all or any Persons therein, shall thenceforth be vested in and become the sole Property of the said Trustees, to and for the Purposes of this Act; and such Payment or Tender or Investment shall not only bar all the Right, Title, Interest, Claim, and Demand of such Persons as aforesaid, and operate as a Merger of all outstanding or other Terms of Years, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder, or otherwise, of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid, it shall not be lawful for the said Trustees, or any Person

acting under their Authority, to enter into or upon such Buildings, Lands, Tenements, or Hereditaments, for any of the Purposes of this Act, without the Leave of the respective Owners and Occupiers thereof.

Tenants at Will or for Years to quit Lands, &c. after Notice.

XLV. And be it further enacted, That every Tenant at Will, Lessee for a Year, and other Person in Possession of any Buildings, Lands, Tenements, or Hereditaments through, in, or upon which the said Bridge, Roads, and Approaches hereby authorized to be made are intended to pass or be made, and who shall have no greater Interest in the Premises than as Tenant at Will, or Lessee for a Year or from Year to Year, shall deliver up Possession of such Premises to the said Trustees, or to such Person as they shall appoint to take possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said Trustees to such Tenant or Lessee or Person in Possession, or left upon the said Premises, whether such Notice be given with reference to the Time of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Trustees, or at such other Time after the Expiration of Six Calendar Months as shall be required; and in case any such Tenant or Lessee, or Person so in Possession as aforesaid shall refuse to give up such Possession as aforesaid, it shall be lawful for the said Trustees to issue their Precept to the Sheriff of the County in which the said Premises shall be situate, to deliver Possession of the said Premises to such Person as shall in such Precept be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy and satisfy such Costs as shall accrue from the issuing and Execution of such Precept on the Person so refusing to give Possession, by Distress and Sale of his or her Goods.

Interest of such Tenants may be settled by a Jury.

XLVI. And be it further enacted, That when any such Tenant or Lessee shall be required to deliver up Possession of any Premises so occupied by him or her, before the Expiration of his or her Term or Interest therein, the said Trustees shall and they are hereby directed to make or tender unto such Tenant or Lessee, before they shall issue their Precept to the Sheriff to give Possession of the Premises in the Occupation of such Tenant or Lessee as aforesaid, Satisfaction or Compensation for the Value of the unexpired Term or Interest in the said Premises, which Satisfaction or Compensation, in case of Difference, shall be ascertained and settled in the same Manner as any other Satisfaction or Compensation for any Buildings, Lands, Tenements, or Hereditaments taken or used by the said Trustees, is by this Act directed to be made and assessed.

Persons holding under Leases to produce the same.

XLVII. Provided always, and be it further enacted, That in all Cases where any Party shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of or entitled unto in any Buildings, Lands, Tenements, or Hereditaments through, in, or upon which the said Bridge, Roads, and Approaches are intended to be made, under or by virtue of any Demise, Lease, or Grant thereof, the said Trustees are hereby authorized to require such Party to produce or show the Lease

or

or Grant in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease, Demise, or Grant shall not be so produced or shown (as the Case may be), then the Party claiming such Compensation or Satisfaction shall be considered as holding only from Year to Year.

Mortgagees, on Tender of Principal, to convey.

XLVIII. And be it further enacted, That all Persons having any Mortgage on any Buildings, Lands, Tenements, or Hereditaments to be taken or used by virtue of this Act, not being in Possession thereof by virtue of such Mortgage, shall, on Tender of the Principal Money and Interest due thereon, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Trustees, immediately convey, assign, and transfer such mortgaged Buildings, Lands, Tenements, or Hereditaments to the said Trustees, or to such Persons as they shall appoint; and in case such Mortgagee shall have Notice in Writing from the said Trustees that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, then at the End of such Six Calendar Months, on Payment of the Principal Money and Interest so due, together with any just Costs then due, such Mortgagee shall convey, assign, and transfer his Interest in the said mortgaged Buildings, Lands, Tenements, or Hereditaments, to the said Trustees, or as they shall direct; and in case such Mortgagee shall refuse to convey and assign as aforesaid on such Tender or Payment, then all Interest on every such Mortgage Debt shall from thenceforth cease and determine: Provided always, that in case the Sum due upon any such Mortgage shall amount to more than the real Value of the said Buildings, Lands, Tenements, or Hereditaments to be taken for the Purposes of this Act, or otherwise of the Estate or Interest therein mortgaged, and which shall be ascertained in manner herein-before directed, then the said Trustees shall not be liable to pay to such Mortgagee more than the real Value, so ascertained as aforesaid, of the Buildings, Lands, Tenements, or Hereditaments, or Estate or Interests so mortgaged, or than the Residue thereof after such Allowance and Payment thereout, as herein-before directed, to any Lessee or Tenant occupying or holding the Estate or Interest so in mortgage: Provided also, that in case any such Mortgagee shall neglect or refuse to convey or assign as aforesaid, then upon Payment of the Principal Money and Interest, and the Costs (if any) due on any such Mortgage as aforesaid, into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or in lieu of such Notice, and in addition to the said other Monies, Six Calendar Months Interest in advance for the Use of such Mortgagee, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in case of other Payments into the said Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, or of all Persons in Trust for him, shall vest in the said Trustees, and they shall be deemed to be in the actual Possession of the Buildings, Lands, Tenements, and Hereditaments and Estate comprised in such Mortgage, to all Intents and Purposes whatsoever: Provided also,

also, that if such Mortgage shall comprise any other Buildings, Lands, Tenements, or Hereditaments than those which shall be so taken by the said Trustees, such Mortgagee shall, upon Payment or Tender of the Sum so ascertained to be the Value of the said Buildings, Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his or her Interest in such Buildings, Lands, Tenements, and Hereditaments to the said Trustees; and in default of such Conveyance, Assignment, or Transfer, and on Payment of such Money into the Bank of *England*, for the Use of such Mortgagee, the Cashier of the said Bank shall give such Receipt as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee, and of all Persons in Trust for him, in the said Buildings, Lands, Tenements, or Hereditaments, the Value whereof, or of the Estate or Interest therein mortgaged, shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Trustees, and they shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Money due to such Mortgagee by virtue of such Mortgage.

Directing in what Manner Disputes between the Trustees and Mortgagees of Lands shall be settled.

XLIX. And be it further enacted, That in all Cases where a Part only of any Lands, Tenements, or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee thereof shall not consider the remaining Parts of the Lands, Tenements, or Hereditaments to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, and all Costs, then and in every such Case the Price or Value of such Part of the said Lands, Tenements, or Hereditaments as shall be so required for the Purpose aforesaid, or (as the Case may be) of the Interest therein mortgaged, and also the Compensation, if any, for any Damage done, shall be settled and agreed upon by and between such Mortgagee and the Person entitled to the Equity of Redemption of such Lands, Tenements, or Hereditaments, on the one Part, and the said Trustees on the other Part; and in case of any Difference between them, then such Price or Value and Compensation shall be ascertained and assessed by the Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such Price or Value and Compensation, being so settled and agreed upon or ascertained and assessed as aforesaid, shall be paid to such Mortgagee in satisfaction of his Claim, so far as the same will extend, or in case of his neglecting or refusing to release, convey, or assign as herein-before directed, then into the Bank of *England* as by this Act is provided; and such Payment to the Mortgagee or into the Bank as last aforesaid shall be and be accepted and taken in satisfaction of the Claim of such Mortgagee, as far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Lands as shall be so taken and used, from all Principal and Interest and other Money secured or due thereon: Provided nevertheless, that notwithstanding any thing herein-before contained, such Mortgagee shall have, retain, and be entitled to such and the same Powers, Remedies, and Means for recovering and compelling Pay-

ment of his Mortgage Money, or the Residue thereof (as the Case may be), or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands, Tenements, or Hereditaments not required for the Purpose aforesaid, as he would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the Whole of the Lands, Tenements, or Hereditaments originally comprised in such Mortgage.

Compensation to be made for Rownham Ferry.

L. And whereas Persons having a Right of Ferry across the said River *Avon*, called *Rownham Ferry*, may in some respect be injured by the building and using of the said Bridge hereby authorized to be made; and it is fit and proper, in case such Ferry should be injured or deteriorated in Value by the building and using the said Bridge, that a fair Compensation for such Injury or Deterioration in Value should be made; be it therefore enacted, That the said Trustees shall and they are hereby required to make Compensation for any Injury or Deterioration in Value which may be done or occasioned to such Ferry by the erecting and using of the said Bridge; and if the said Trustees and the Person or Persons interested in the said Ferry cannot agree upon the Amount of such Compensation, then the same shall be settled and ascertained in like Manner in all respects as is herein-before provided (in Cases of Parties not agreeing) in respect to the ascertaining and settling of Satisfaction for Lands, Tenements, and Hereditaments through, in, or upon which the said Roads and Approaches to the said Bridge are intended to be made; and upon Payment of the Amount of such Compensation as shall be so agreed upon or settled or ascertained as aforesaid, the said Trustees shall from thenceforth and for ever thereafter be wholly exonerated, discharged, and indemnified from all further and other Claims and Demands whatsoever for Compensation or Satisfaction in respect of such Ferry by any Person or Persons whomsoever.

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

LI. And be it further enacted, That if any Money shall be paid, or be agreed or awarded to be paid, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, shall be entitled unto, interested in, or hereby capacitated to convey, then 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, to be placed to his Account *ex parte* the Trustees of *Clifton Bridge*, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster

1 G. 4. c. 35.

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; and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Party or Parties who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt, or such other Incumbrance, affecting the same Lands, Tenements, or Hereditaments, or affecting any other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, and Purposes, as the said Court shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or 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, 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, or in Government or Real Securities; and in the meantime, and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce thereof shall from Time to Time be paid by the Order of the said Court to the Party or Parties who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, and Hereditaments to be purchased, conveyed, and settled.

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

LII. And be it further enacted, That if any Money agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used as aforesaid, and belonging to any Corporation, or to any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the respective Parties for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Trustees signified in Writing under their Hands, be paid into the said Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation,

bation, to Two Trustees, to be nominated by the respective Parties exercising such Option, and such Nomination to be approved of by the said Trustees, such Nomination and Approbation to be signified in Writing under the Hands or Common Seals of the nominating and approving Person; and the Money so paid to such Trustees, and the Dividends and Profits so arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without being required to obtain any Order of the said Court touching the Application thereof.

When under 20*l.*

LIII. And be it further enacted, That where such Money so agreed or awarded to be paid as aforesaid shall be less than Twenty Pounds, the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments purchased, taken, or used as aforesaid, for their own Use and Benefit; or in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to their Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of the Parties respectively entitled thereto.

In case of not making out Title, &c.

LIV. And be it further enacted, That in case any Party to whom any Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of this Act, shall refuse to accept the same, or shall refuse, neglect, or be unable to make and prove a good Title to the Premises, to the Satisfaction of the said Trustees, or if any Party to whom such Money shall be awarded as aforesaid shall be absent from *England* or cannot be found, or if any Party entitled unto or who ought to convey such Lands, Tenements, and Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the 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 Lands, Tenements, or Hereditaments, (describing them so far as such Trustees can do so,) subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Party making claim to such Money or any Part thereof, by Petition, shall and is hereby empowered, in a summary Way of Proceeding or otherwise, as to such 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 Estates, Titles, or Interests of the Party making claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier of the Bank of *England* who shall receive such Money is hereby required to give a Receipt for such Money, mentioning and specifying therein for what and for whose Use (described as aforesaid) the same is received, to the said Trustees, or to such Person paying any Money into the Bank of *England* under or pursuant to this Act.

LV. And

Persons in Possession to be deemed presumptively entitled.

LV. And be it further enacted, That where any Question shall arise touching the Title of any Party to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments, to be purchased, taken, or used in pursuance of this Act, or to any Annuities or Securities to be purchased with any such Money as aforesaid, or to the Dividends or Interest of any such Annuities or Securities, the Party who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Parties, or under or consistently with the Possession of such Parties, 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 shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some other Person was lawfully entitled to such or to some and what Part of such Lands, Tenements, or Hereditaments, or to some and what Estate or Interest therein.

Court of Exchequer may order Expences of Purchases to be paid by Trustees.

LVI. And be it further enacted, That where, by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, or to be applied for the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all such Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act; and the said Trustees shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to sell Lands not wanted by Trustees.

LVII. And whereas by means of the Purchases which the said Trustees are empowered to make by virtue of this Act, they may happen to be seised of more Lands, Tenements, or Hereditaments than will be necessary for effecting the Purposes of this Act, or of Lands, Tenements, or Hereditaments not wanted or not applicable to the Purposes hereof; be it therefore further enacted, That it shall be lawful for the said Trustees to sell and convey any Part of such Lands, Tenements, or Hereditaments, or of any Estate or Interest purchased by the said Trustees in such Lands, Tenements, or Hereditaments, or any Part thereof, either together or in Parcels, by public Auction or private Contract, as they shall find most convenient or deem most advantageous, to such Persons as shall be willing to contract for and purchase the same; and such Conveyances from the said Trustees shall be valid and effectual, any thing in this Act contained, or any

First Offer to be made to Owners of adjoining Lands.

Law, Statute, or Custom, to the contrary notwithstanding: Provided always, that the said Trustees, before they shall sell and dispose of any such Lands, Tenements, or Hereditaments, shall first offer to sell the same to the Person or Persons successively, in such Order as the said Trustees shall deem meet, whose Lands or Premises shall immediately adjoin the Lands, Tenements, or Hereditaments so proposed to be sold as aforesaid; and such Person or Persons, in case he, she, or they shall be desirous of purchasing, (the Preference in pre-emption of such Persons, if more than One, being according to the Order of making such Offers,) shall signify such his, her, or their Desire and Intention in that Behalf to the said Trustees within One Calendar Month after such Offer of Sale shall have been made; and in case such Person or Persons refuse or decline to avail himself, herself, or themselves of such Offer, or shall neglect or omit to signify his, her, or their Desire and Intention to purchase such Lands, Tenements, or Hereditaments, for the Space of One Calendar Month, then and in every such Case, an Affidavit made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Gloucester* or *Somerset*, as the Case may be, by some Person not interested in the same Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Trustees, and that such Offer was refused or declined or was not accepted or agreed to by the Person or Persons to whom the same was made, within the Space of One Calendar Month from the Day or Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or declined or was not accepted and agreed to, within the Time aforesaid, by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury in the Manner by this Act directed with respect to the disputed Value of Premises to be purchased by the said Trustees in pursuance thereof; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in and by this Act is directed with respect to Purchases made by the said Trustees, *mutatis mutandis*; and the Money produced by the Sale or Sales which may be made by the said Trustees of such Lands, Tenements, or Hereditaments as aforesaid, shall be applied to the Purposes of this Act.

Treasurer upon Payment of Money to give Receipts.

LVIII. And be it further enacted, That upon Payment of the Money which shall arise from the Sale of any such Lands, Tenements, or Hereditaments, or any Interest belonging to the said Trustees therein, or of any Lands, Tenements, or Hereditaments authorized by this Act to be sold by the said Trustees, or upon Payment of any Money under this Act, it shall be lawful for the Treasurer for the Time being to the said Trustees to sign and give Receipts for the Money so paid, which Receipts shall be sufficient Discharges to all Persons for the Purchase Money for such Lands, Tenements, or Hereditaments or Interests as shall be sold, or for so much thereof

and for such Sum of Money as in such Receipts respectively shall be expressed to be received; and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money or other Monies, or any Part thereof.

The Word "Grant" in Conveyances from Trustees to operate as Covenants for Title.

LIX. And be it further enacted, That in every Conveyance to be made by the said Trustees under or in pursuance of this Act the Word "Grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express Covenants to or with the Grantee or Grantees therein, and the Successors, Heirs, Executors, Administrators, or Assigns of such respective Grantees, according to the Quality or Nature of such Grantees therein, and the Estate or Interest therein expressed to be thereby conveyed by or from the said Trustees, for themselves and their Successors, that they the said Trustees, notwithstanding any Act or Default done by them, were at the Time of the Execution of such Conveyance seised or possessed of the Lands, Tenements, and Hereditaments or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, that the Purchaser or Purchasers thereof, his, her, or their Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the said Trustees, and their Successors and Assigns, and all claiming under them, and be indemnified and saved harmless by the said Trustees, and their Successors, from all Incumbrances committed by the said Trustees, and also for further Assurance of such Premises by the said Trustees, their Successors and Assigns, and all claiming under them, unless except and so far as the same shall be restrained and limited by express particular Words contained in such Conveyance; and such respective Grantees, and their Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Qualities or Nature, and the Estate or Interest expressed to be conveyed, shall and may in any Actions to be brought assign Breach or Breaches thereupon, as they respectively might do in case such Covenants were expressly inserted in such Conveyance.

Power to get Materials.

LX. And be it further enacted, That it shall be lawful for the said Trustees, and for such Persons as they shall respectively appoint, to search for, dig, gather, take and carry away any Materials for making, preserving, repairing, and protecting the said Bridge, and the Roads and Approaches thereto, out of any Common or Waste Ground in any Parish, Hamlet, or Place in which any Part of the said Bridge, Roads, and Approaches shall lie, or in any adjoining Parish, Hamlet, or Place, and to haul, cart, and carry away such Materials, when got, over any Common or Waste Ground, without paying any thing for the same, and without being deemed a Trespasser or Trespassers; and also out of the Lands of any Person or Persons where the same may be had or found in any such Parish, Hamlet, or Place, (such Lands not being a Garden, Orchard, 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

faction for such Materials, and for the Damage done to the Owners and Occupiers of the Lands whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable, and to land on and carry through and over any inclosed Lands or Grounds, (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees,) any Stone or other Materials for making and protecting the said Bridge, Roads, and Approaches, 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, and also for such Materials, such Sums as they the said Trustees and the Owners and Occupiers of the said Lands shall agree upon; and in case of any Difference between such Trustees and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more of the Justices of the Peace for the County or Place from whence such Materials shall have been taken shall be situate, on Ten Days Notice thereof being given in Writing by either Party to the other, shall hear and determine the Matter and Amount of such Payments and Damages, and the Costs attending the hearing and determining the same.

Notice to be given before Materials are taken from private Grounds.

LXI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, or for any Person acting under the Authority of this Act, to dig, gather, get, take or carry away any such Materials out of or from any inclosed Land or Ground, until Notice shall have been given to the respective Owners or Occupiers of the Premises from which such Materials are intended to be taken, or their known Agents, or left at the House or last known Place of Abode of such Owners or Occupiers, to appear before any Two or more of the Justices of the Peace acting for the County or Place as aforesaid, to show Cause why such Materials should not be taken therefrom; and in case any such Owner or Occupier or Agent shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize the Person or Persons so employed by the said Trustees as aforesaid to dig, get, gather, take and carry away such Materials, for the Purposes aforesaid, as shall or may be found in, upon, or under such inclosed Ground; and if any such Owner or Occupier or Agent shall neglect or refuse to appear, the said Justices shall and may (upon Proof on Oath of the Service of such Notice) make such Order therein as they shall think fit, as fully and effectually as if such Owner or Occupier, or his or her Agent, had attended.

Limiting the Power of taking Materials from the Lands of Sir John Smyth.

LXII. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to authorize or empower the said Trustees to search for, dig, gather, take or carry away any such Materials as aforesaid out of any of the Lands or Grounds of or belonging to the said Sir *John Smyth*, otherwise than to the Extent of One hundred Yards immediately adjoining on the North Side to the Line laid down on the said Maps or Plans deposited with the Clerks of the Peace for that Part of One of the Roads or Approaches to the said Bridge lying between

between a certain Quarry in the said Plan, and in the Schedule to this Act annexed designated by the Number Seventeen, and in the said Schedule described as a Stone Quarry in the Occupation of the Trustees for *Bristol* Roads, and a certain Place in the said Map or Plan described as *Beggar's Bush*, without the Consent in Writing of the said Sir *John Smyth*, or his Assigns, or the Person or Persons for the Time being entitled in Possession to the said Lands or Grounds.

Pits or Holes to be filled up.

LXIII. And be it further enacted, That if any Person employed under the Powers of this Act shall, by searching for, digging, or getting any Gravel, Sand, Stones, Chalk, Clay, or other Materials as aforesaid, make any Pit or Hole in any Lands or Grounds as aforesaid, wherein such Materials shall be found, such Person shall forthwith cause the same to be sufficiently fenced off, and such Fence to be supported and repaired during such Time as the said Pit or Hole shall remain open; and shall within Three Days after such Pit or Hole shall be opened or made, where no Materials shall be found, cause the same to be filled up, levelled, and covered with the Turf or Clay which was dug out of the same; and where such Materials shall be found, within Seven Days after having dug up sufficient Materials in such Pit or Hole, if the same is not likely to be further useful, shall cause the same to be filled up, sloped down, or fenced off, and so continued; and if the same is likely to be further useful, such Person or Persons so employed shall sufficiently secure the same by Fences, to prevent Accidents to Persons and Cattle; and in case any such Person shall neglect to fill up, slope down, or fence off such Pit or Hole in the Manner and within the Time aforesaid, he shall forfeit and pay any Sum not exceeding Ten Pounds for every such Default; and in case such Person shall neglect to fence off such Pit or Hole, or to slope down the same as herein-before is directed, for the Space of Twenty-four Hours after he shall have received Notice for either of those Purposes from any Justice of the Peace, or from the Owner or Occupier of such Lands or Grounds, and such Neglect and Notice shall be proved upon Oath before any of the said Justices of the Peace, such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence, to be determined and adjudged by such Justice; and such Penalty shall be laid out and applied in the fencing off, filling up, and sloping down such Pit or Hole, in such Manner as the said Justice shall direct and appoint; which Forfeiture, in case the same be not forthwith paid, shall be levied as other Forfeitures are herein-after directed to be levied.

For preventing wilful Damage to the Bridge.

LXIV. And be it further enacted, That if any Person shall wilfully or maliciously damage the said Bridge, or any Part thereof, or the Embankments, Mounds, or other Works, or shall wilfully or maliciously, or without Authority from the said Trustees, or from any of their Agents, Surveyors, or other Persons acting under the Authority of this Act, remove any Work, Material, or Thing 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 Embankments, Mounds, or other Works as aforesaid, may be damaged, he shall for every such Offence forfeit and pay a Sum not exceeding

Twenty Pounds, and also the Amount of the Damage done, and the Expence of repairing the same.

For preventing Nuisances on the Bridge, &c.

LXV. And be it further enacted, That if any Person shall ride upon any Footpath by the Side of the Road over the said Bridge, or of either of the said Roads or Approaches, or shall lead or drive any Horse, Beast, Cattle, Swine, or Carriage of any Description, or run or carry thereon any Wheelbarrow, Truck, Sledge, or any single Wheel of any Waggon, Cart, or other Carriage, apart therefrom, or roll any Cask or Tub upon any such Footpath, or shall cause any Injury or Damage to be done to the same, or the Walls, Posts, Rails, Bars, or Fences thereof; or shall haul or draw, or cause to be hauled or drawn, upon any Part of such Bridge, or of either of the said Roads and Approaches, 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, or either of the said Roads or Approaches, to the Prejudice thereof; or if any Person shall cast or throw any Stone or other heavy Matter or Thing over the said Bridge, or any Part thereof; or if any Person shall leave any Waggon, Wain, Cart, or other Carriage upon such Bridge, or either of the said Roads or Approaches, or on the Side or Sides thereof, without some proper Person in the sole Custody or Care thereof, or longer than may be necessary to load or unload the same (except in Cases of Accident), or shall not place such Waggon, Wain, Cart, or other Carriage, during the Time of loading or unloading the same, as near to one Side of the said Bridge, Roads, and Approaches as conveniently may be, either with or without any Horse, Beast, or Cattle harnessed or yoked thereto, or shall wilfully obstruct the Passage of any Passenger, or any Carriage, Horse, Beast, or Cattle thereon; or shall lay any Timber, Hay, Stone, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever upon any Part of such Bridge, or either of such Roads or Approaches, to the Annoyance, Interruption, or personal Danger of any Person travelling thereon; or shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever to run or flow into or upon such Bridge, or either of such Roads or Approaches, from any Premises adjacent thereto; or if the Driver of any Waggon, Cart, or other Carriage shall, on the said Bridge, or either of the said Roads or Approaches, ride on the Shafts or in or upon any Part of such Waggon, Cart, or other Carriage, without proper Reins to the Horses or Cattle drawing the same; or if any Person riding any Horse, Beast, or Cattle, or driving any Sort of Carriage, shall ride or drive the same furiously, so as to endanger the Person of any Passenger; or if the Driver of any Carriage meeting any other Carriage shall not keep his or her Carriage on the Left or Near Side of the said Road, or shall in any Manner wilfully prevent any Person from passing him or her in any Carriage under his or her Care on the said Bridge, or on either of the said Roads or Approaches, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage of any of His Majesty's Subjects on the said Bridge, Roads, or Approaches, or either 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 and setting down of any Passenger; or if any Person shall allow any Oxen, Sheep, Lambs, Calves, Swine, or other Cattle or Beast to remain longer upon the said Bridge, Roads, or Approaches than whilst passing along the same; or shall discharge any Fire-arms (except in case of Necessity for Self-defence); or make any Bonfire, or set fire to or let off or throw any Squib, Rocket, Serpent, or other Fireworks; or shall play at Football or any other Game or Games; or shall, by loitering or remaining on such Bridge, Roads, or Approaches, or either of them (without some reasonable Cause), or in any other Manner, obstruct or impede the free Passage of such Bridge, Roads, or Approaches, or either of them; or shall place, stick, or affix on the said Bridge, or any Part thereof, any Bill or Bills, Paper or Papers, or shall by Chalk or any other Matter or Thing deface the said Bridge or any Part thereof; every Person offending in any of the Cases aforesaid, or the Owner or Proprietor of any such Horse, Beast, Cattle, Carriage, Goods, Matter, or Thing (as the Case may be), in any Instance in which the Party actually offending cannot be found, shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above the Damages occasioned thereby; and it shall be lawful for any Officer appointed by virtue of this Act, and for any Constable, to take away and remove any of the before-mentioned Obstructions and Nuisances, in case the Party occasioning the same shall not remove the same within a reasonable Time after having been required so to do by any Person whomsoever.

Power to erect Toll Gates.

LXVI. And be it further enacted, That it shall be lawful for the said Trustees to erect and build upon or across the said Bridge, and upon or across the said Roads and Approaches, or either of them, or any Part or Parts thereof respectively, within Two hundred Yards of the said Bridge, when, where, and as they shall judge necessary, any Toll Gates or Toll Bars and Toll Houses, with Outhouses and Conveniences thereto, and from Time to Time to alter or take down and rebuild, or to discontinue and remove, the same, or any of them, as they the said Trustees shall think proper, and to take thereat any Tolls, not exceeding the following, as they shall from Time to Time direct, and in such Manner as is herein-after expressed and declared; (that is to say,)

Tolls.

For every Horse or Beast drawing any Coach, Barouche, Sociable, Berlin, Chariot, Landau, Chaise, Calache, Chair, Phaeton, Caravan, Cart with Springs, Hearse, Litter, or other such like Carriage, (except Stage Coaches,) a Sum not exceeding the Sum of Sixpence:

For every Horse or Beast drawing any Stage Coach licensed to carry or which shall carry in the whole, Inside and Outside, not more than Nine Passengers, a Sum not exceeding the Sum of Sixpence:

For every Horse or Beast drawing any Stage Coach licensed to carry or which shall carry in the whole, Inside and Outside, more than Nine and not exceeding Sixteen Passengers, a Sum not exceeding the Sum of Seven-pence Halfpenny:

For every Horse or Beast drawing any Stage Coach licensed to carry or which shall carry in the whole, Inside and Outside, more than Sixteen Passengers, a Sum not exceeding the Sum of Nine-pence:

For

For every Horse or Beast drawing any Caravan, Tilted Waggon, Tilted Cart, or other such Carriage, carrying Passengers for Hire, licensed or unlicensed, a Sum not exceeding the Sum of Sixpence:

For every Horse or Beast drawing any Waggon, Wain, or Cart, or other such Carriage, drawn by not more than Two Horses or other Beasts, a Sum not exceeding the Sum of Four-pence Halfpenny; and drawn by Three or Four Horses or other Beasts, a Sum not exceeding the Sum of Sixpence; and drawn by a greater Number than Four Horses or other Beasts, a Sum not exceeding the Sum of Nine-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, nor carrying more than One Person, a Sum not exceeding the Sum of Two-pence; and if carrying more than One Person, then a further Sum not exceeding the Sum of One Penny for every such additional Person:

For every Drove of Oxen or other Neat Cattle, a Sum not exceeding the Sum of Sixpence *per* Score, and so in proportion for any less Number:

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

For every Foot Passenger or Person on Foot, for each Time he or she shall pass or repass on or over the said Bridge, Roads, or Approaches, (except the Person or Persons, not exceeding Two in Number, actually driving and accompanying any Waggon, Wain, Cart, or other Carriage,) a Sum not exceeding the Sum of One Penny:

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

For every Carriage with Four or more Wheels, not drawn by any Horse or other Beast, but propelled or moved by Machinery, a Sum not exceeding the Sum of Two Shillings:

And for every Carriage with Three or a less Number of Wheels, not drawn by any Horse or other Beast, but propelled or moved by Machinery, a Sum not exceeding the Sum of One Shilling:

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

Exemptions from Toll.

LXVII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse belonging to His Majesty, or attending any of the Royal Family, or returning after having so attended; or for any Horse, Beast, Cattle, or Carriage of any Description, or for any Person, employed in conveying or guarding Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning from, conveying, or guarding the

the same; or for any Horse, Beast, or Cattle attending Soldiers, or for such Soldiers upon their March or upon Duty with their Arms and Baggage, or returning after having been so employed; or for any Horse or other Cattle, Waggon, Wain, Cart, or other Carriage, which shall be employed in conveying any Ordnance, Commissariat, or other Public Stores of or belonging to His Majesty, or to or for the Use of His Majesty's Forces; or for any Horse, Beast, or Cattle furnished by or for or belonging to any Corps of Yeomanry or Volunteer Cavalry, and ridden by them in going to and returning from the Place appointed for and on the Days of Exercise, provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; or for any Horse, Beast, or Cattle, Coach, Berlin, Landau, Chariot, Calash, Chair, or other Carriage, conveying any Person going to or returning from any Election of any Member or Members to serve in Parliament for either of the said Counties of *Gloucester* or *Somerset*, or for the City and County of the City of *Bristol*, on the Day or Days of such Election, or on the Day before or the Day after such Election shall begin or be concluded; or for any Horse, Beast, Cattle, or Carriage conveying Vagrants, or for such Vagrants sent by legal Passes, or Prisoners sent by any legal Warrant, or returning after having been so employed; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, he shall forfeit and pay any Sum not exceeding Five Pounds for each such Offence.

Limiting the Number of Tolls to be taken in the same Day.

LXVIII. And be it further enacted, That after the respective Tolls shall have been paid for or in respect of any Horse, Beast, Cattle, or Carriage for passing through any one of the said respective Toll Gates or Toll Bars, such Horse, Beast, Cattle, or Carriage shall, in respect of such Payment, upon a Note or Ticket being produced denoting such Payment, be permitted to return or repass Toll-free through the same Toll Gate or Toll Bar once in the same Day, and also to pass and repass Toll-free once in the same Day through all the other Toll Gates or Toll Bars to be erected under the Authority of this Act (except as herein-after mentioned), such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; but no such Horse, Beast, Cattle, or Carriage shall be permitted to pass a Second Time through any or either of the said Toll Gates or Toll Bars in any one Day (to be computed as aforesaid) until a fresh Toll shall have been paid of such Amount as the said Trustees shall from Time to Time direct and appoint, not exceeding the Amount of Toll herein-before mentioned; and after the Payment of such Second Toll the said Horse, Beast, Cattle, or Carriage shall be permitted to pass and repass Toll-free through all the said Toll Gates or Toll Bars for the Remainder of such Day (except as herein-after mentioned).

Stage Coaches, &c. to pay for each Time of passing.

LXIX. Provided always, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, or Caravan or other Carriage carrying Passengers or Goods for Pay, Hire, or Reward, or any

Stage Coach, Diligence, Van, or Caravan, or other Carriage propelled or moved by Machinery, conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid every Time of passing or repassing through any of the said Toll Gates or Toll Bars; and the Tolls hereby made payable for or in respect of any Horses or Beasts which shall be let out to Hire, or any Horses or Beasts drawing any Post Chaise or other Carriage which shall be let out to Hire, or any Carriage propelled or moved by Machinery which shall be let out to Hire, shall be payable and paid every Time of passing or repassing through any of the said Toll Gates or Toll Bars, whenever any new or fresh Hiring thereof shall take place.

Post Chaises to pay every Time of passing.

LXX. And be it further enacted, That where any Horse, Beast, or Cattle shall have passed through any of the said Toll Gates or Toll Bars, not drawing any Carriage, and a Toll shall have been paid on such Horse, Beast, or Cattle at such Toll Gate or Toll Bar, and the same Horse, Beast, or Cattle shall return drawing any Carriage on the same Day, the Toll paid on such Horse, Beast, or Cattle on originally passing shall be deducted from the Toll payable on the same when drawing the Carriage to which it shall be attached on its Return, so that no higher Toll shall on the whole be taken than if such Horse, Beast, or Cattle had in the first instance passed through such Toll Gate or Toll Bar drawing the same Carriage.

If Horses having passed through any Gate shall return drawing a Carriage, the Toll paid on the Horses to be deducted.

LXXI. And be it further enacted, That when any Coach, Chariot, Chaise, or any other Carriage whatsoever with Four or more Wheels shall pass through any Toll Gate or Toll Bar erected by virtue of this Act affixed, tied, or secured to any Waggon, Cart, or other Carriage, the same Toll, and no more, shall be demanded and taken for or in respect of such Coach, Chariot, Chaise, or other Carriage, as if the same had passed through drawn by Two Horses; and when any Chair, Cart, or other Carriage whatsoever with Three or less Wheels only shall pass through any such Toll Gate or Toll Bar so affixed, tied, or secured to any Waggon, Cart, or other Carriage as aforesaid, the same Toll, and no more, shall and may be demanded and taken for or in respect of such Chair, Cart, or other Carriage with Two Wheels only, as if the same had passed through drawn by One Horse only; and when any Horse shall be fastened to but not used in drawing any Waggon, Cart, or other Carriage, such Horse shall not be liable to a higher Toll than a single Horse.

Tolls to be paid upon Carriages affixed to others.

LXXII. And be it further enacted, That no Waggon or other Carriage shall without the Consent of the said Trustees carry at any one Time along or over the said Bridge (including the Weight of such Waggon or Carriage) more than Six Tons Weight.

Limiting the Weight to be carried over the Bridge.

LXXIII. Provided always, and be it further enacted, That it shall not be lawful for any greater Number of Waggons, Carts, Coaches, Horses, Beasts, and other Cattle, or any greater Number of Persons, or any greater Quantity of Matters or Things whatsoever, to be at the same Time on the said Bridge than shall collectively be of the Weight of Twenty-eight Tons, without the Consent of the said Trustees.

Limiting the Weight to be on the Bridge at the same Time.

LXXIV. And

Table of Tolls to be put up, and Tickets provided if necessary.

LXXIV. And be it further enacted, That before any Toll shall be taken by virtue of this Act, the said Trustees shall and they are hereby required to cause to be put up and continued at every such Toll Gate and Toll Bar a Table, painted in distinct and legible Characters, either in Black Letters on a White Ground or White Letters on a Black 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, and to renew such Board whenever any of the Letters or Figures thereof shall be worn out or obliterated; and in case there shall at any Time or Times be more than One Gate at which Tolls shall be collected, the said Trustees shall 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 Name or Names of the Gate or several Gates freed by such Tickets, and One of which Tickets shall be delivered to every Person paying 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 further additional Toll; and it shall not be lawful for the said Trustees to demand or take any Tolls for or in respect of any Horse, Beast, Cattle, Carriage, or Passenger, but for and during such Time as the Board on which such Tolls shall be so painted as aforesaid shall remain affixed at every such Toll Gate or Toll Bar on the said Bridge, Roads, and Approaches as aforesaid.

Penalty on wilfully destroying Boards, &c.

LXXV. And be it further enacted, That if any Person shall wilfully pull down, deface, or destroy any Board whereon any Table of Tolls may have been painted as aforesaid, or shall concur or aid therein, he shall on Conviction forfeit and pay to the said Trustees a Sum not exceeding Forty Shillings for every such Offence.

Persons may be stopped on refusing to pay Tolls.

LXXVI. And be it further enacted, That if any Person subject to the Payment of any of the Tolls herein mentioned shall, after Demand thereof made by any Collector or other Person to be appointed to receive the same, neglect or refuse to pay the same, it shall be lawful for such Collector or Person to stop and prevent the Passage of any Person so refusing, or of any Horse, Beast, Cattle, or Carriage for or in respect of which any such Tolls ought to be or to have been paid, and to detain the same until such Payment shall be made, and to seize and detain any Horse, Beast, or Cattle, and also their Bridles, Saddles, Gears, Harness, or Accoutrements, either together with or separately from such Horse, Beast, or Cattle, (except that the Bridle or Reins by which such Horse, Beast, or Cattle shall be guided or restrained shall not be seized or detained separate and apart from such Horse, Beast, or Cattle,) or any Carriage drawn by such Horse, Beast, or Cattle; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within Three Days after such Seizure and Distress made, the Collector or Person seizing and distraining as aforesaid shall or may sell the Horse, Beast, Cattle, Carriage, or Things so seized or distrained, or any Part thereof, returning the Overplus (if any) and so much of such Carriage or Thing

Thing as 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.

Penalty on evading Tolls.

LXXVII. And be it further enacted, That if any Person shall forcibly attempt to pass over the said Bridge, Roads, or Approaches, or through any of the said Toll Gates or Toll Bars, without having paid the said Tolls, or shall assault, interrupt, or obstruct any Person employed in the Collection of the said Tolls, or shall take off any Horse or other Beast from any Gig, Chaise, Coach, Cart, Waggon, or other Carriage whatsoever, before arriving at any of the said Toll Gates or Toll Bars to be erected by virtue of this Act, and afterwards shall put on or add the same, or any of them, after having passed the said Toll Gates or Toll Bars, or afterwards add or put to any Gig, Chaise, Coach, Cart, Waggon, or other Carriage, after having passed the said Toll Gates or Toll Bars, any other Horse or other Beast, 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 any Note or Ticket with the Intent to evade the Payment of any Part of the said Tolls, every Person so offending shall forfeit and pay a Sum not exceeding Five Pounds for every such Offence.

For settling Disputes concerning Tolls.

LXXVIII. And be it further enacted, That in case any Dispute shall happen respecting the demanding or taking or the Payment of Tolls, or the Amount of Toll due, or the Charges of keeping or selling any Distress, it shall be lawful for the Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may be), until the Amount of the Toll due and the Charges of keeping and selling the Distress shall be paid, or until such Dispute shall be heard and determined by some Justice of the Peace for the County of *Gloucester* or *Somerset* or the City and County of the City of *Bristol*, as the Case may be, who upon Application made to him for that Purpose shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses, and shall determine the Amount of the Toll due, and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so directed to pay the same, by Warrant under the Hand and Seal of such Justice, which Warrant every such Justice is hereby empowered to issue; and the Overplus (if any), after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been distrained and sold.

For punishing Toll Collectors misbehaving.

LXXIX. And be it further enacted, That every Toll Collector appointed under or by virtue of this Act shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House, Toll Gate, or Toll Bar whereat he or she shall be on Duty, immediately on his or her coming on Duty, each of the

Letters of such 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 in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he or she shall be on Duty; and if any Collector of such Tolls shall not place such Board as aforesaid, and keep the same there during the Time he or she shall be on Duty as aforesaid, or shall demand or take a greater or less Toll from any Person than he or she shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the said Trustees made in pursuance thereof, or shall demand or take a Toll from any Person who shall be exempt from the Payment thereof, and shall claim such Exemption, or shall refuse to permit or suffer, or shall not permit or suffer, any Person to read, or shall in anywise hinder any Person from reading, the Inscription on the Board to be affixed and placed as aforesaid, or shall refuse to tell his or her Christian or Surname to any Person who shall demand the same on having paid the said Toll, or shall in answer to such Demand give a false Name or Names, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct or prevent any Passenger from passing through any Toll Gate or Toll Bar, or shall make use of any scurrilous or abusive Language to any Treasurer, Surveyor, or other Officer, or any Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Tolls may be compounded for.

LXXX. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to compound and agree, by the Year or otherwise, with any Person (except common Carriers, Innkeepers, Hackneymen, or Postmen, travelling through the Toll Gates or Toll Bars erected by virtue of this Act with any Coach, Berlin, Chariot, Chaise, Calash, Chair, Waggon, Wain, or other Carriage, Horse, Mule, Ass, or other Cattle,) for any Sum of Money in lieu and Payment of any of the Tolls to be collected at the said Toll Gates and Toll Bars, such respective Compositions to be paid wholly in advance.

Tolls may be leased.

LXXXI. And be it further enacted, That it shall be lawful for the said Trustees to lease or demise all or any of the said Tolls for any Term of Years, not exceeding Three Years at any One Time, for such Rents, payable at such Times, and under such Covenants as they shall think fit, the said Trustees taking such sufficient Security from the Persons to whom such Tolls shall be leased or demised for the Payment of such Rent and Performance of such Covenants as they shall think fit, which Rent shall be applied for the Purposes of this Act.

For Recovery of Toll Houses in certain Events.

LXXXII. And be it further enacted, That in case any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person in any Manner whatsoever, and the Lessee or Farmer thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or any of them; or in case all or any Part of any Rent agreed to be paid by such Lessee or Farmer shall be in arrear or unpaid for the Space of Three Days next

next after any Day on which the same ought to be paid pursuant to the Lease, Agreement, or Contract for demising or letting the same Tolls; or in case any temporary or other Collector of the said Tolls, or any of them, shall be discharged from his Office by virtue of this Act, or shall die, abscond, or absent himself or herself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family, or any Representative of any such Collector who shall die or abscond, absent himself or herself, or be discharged, or any other Person being in Possession thereof, shall refuse to deliver up or shall not deliver up Possession of any Toll House or other Building, with the Appurtenances thereto respectively belonging, to be erected, built, constructed, or set up by virtue of this Act, for or within the Space of Twenty-four Hours after Demand thereof made in Writing given or left at such Toll House or Building, or at any of such Toll Houses or Buildings which shall be or have been in the Possession or Occupation of such Collector or other Person, such Demand in Writing to be signed by any Five or more of the said Trustees, although not assembled at a Meeting, or by the Clerk or Clerks for the Time being to the said Trustees; or in case any such Lease, Agreement, or Contract shall in any other Manner become void or voidable; then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the County of *Gloucester* or *Somerset* or the City and County of the City of *Bristol* (as the Case may be), upon Application made by the said Trustees, or by the Clerk or Clerks for the Time being to the said Trustees, by Warrant under the respective Hands and Seals of such Justices, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of every or any such Toll House or other Buildings, with the Appurtenances thereto belonging, and to remove and put such Lessee or Farmer, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, from or out of the same and the Possession thereof, and from the Collection of such Tolls, and to put the said Trustees, or their Agent, or their new Lessee, Farmer, or Collector, into Possession thereof; and thereupon it shall be lawful for the said Trustees, if they shall see fit, to vacate and determine the Lease, Contract, or Agreement, if any, which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes, save as to the Covenants and Agreements for the Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements, on the Lessee's Part; and it shall be lawful for the said Trustees in every such Case, either during such Proceedings or on the Termination thereof, again to demise or let to farm the said Tolls to any other Person, or to cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Names of Subscribers to be registered, and Orders for Payment granted.

LXXXIII. And be it further enacted, That a Book shall be kept by the Clerk or Clerks to the said Trustees, in which shall be fairly entered the Names of the several Subscribers of any Sum or Sums of Money, by way of Loan, towards building and making the said Bridge, Roads, and Approaches, and other Works by this Act authorized, and the Sums by them respectively subscribed, which Book

may be inspected by every such Subscriber, his or her Executors, Administrators, and Assigns, at all seasonable Times, without paying any thing for the same; and every such Subscriber shall, upon Payment of any Part or Parts of the Money so by him or her subscribed or agreed to be lent, receive of the Treasurer a Receipt signed by him for the same; and when the whole of such Monies so by him or her subscribed or agreed to be lent, or when the whole which shall be required by the said Trustees shall be paid, every such Subscriber shall receive from the said Trustees an Order for Payment of all Interest which, under the Provisions herein-after contained for the Application of the Tolls hereby granted, shall become payable upon such Amount, and for Repayment of the Principal Money therein expressed to have been subscribed, agreeably to the Provisions of this Act; all which said Orders shall be signed and sealed by the said Trustees or any Five of them; and after the signing and sealing thereof the same shall be valid and effectual in the Law, according to the Purport and true Meaning thereof and of this Act, and shall entitle the respective Subscribers to whom the same shall be given, their Executors, Administrators, and Assigns, to their proper Proportions of such Interest, and to the Repayment of the Principal Money, in manner herein-after mentioned, for which such Orders shall be respectively made; and the Tolls hereby authorized to be taken, and which shall arise and be received by virtue of this Act, shall be a Security for the Sum or Sums of Money and Interest made payable by such Orders.

Mortgages may be given for the Security of Money subscribed.

LXXXIV. Provided always, and be it further enacted, That in case any Person who shall have become entitled to receive from the said Trustees any such Order, as a Security for Monies so subscribed and advanced as aforesaid, shall elect and prefer to have such Monies and the Interest which may become payable in respect thereof secured by Mortgage of a rateable Proportion of the Tolls, and other Property and Effects created by this Act, in Manner and Form herein-after provided in respect to Monies borrowed and taken up at Interest by the said Trustees on the Credit of the said Tolls, then and as often as it shall so happen it shall be lawful for the said Trustees, at the Expence of the Person or Persons so requiring the same, to give and execute to such Person or Persons a Mortgage of a rateable Proportion of the said Tolls, Property, and Effects created by this Act accordingly; and in case any Person who may have taken or received from the said Trustees any such Order or Orders by way of Security as aforesaid, his or her Executors, Administrators, and Assigns, shall at any Time or Times thereafter be desirous of exchanging the same for a Mortgage of a rateable Proportion of the Tolls, Property, and Effects as aforesaid, and shall tender and deliver to the said Trustees such Order or Orders to be cancelled, in order that such Mortgage shall be granted to him, her, or them in lieu thereof as aforesaid, then and as often as it shall so happen it shall be lawful for the said Trustees and they are hereby required, at the Expence in all Things of the Person making such Application, to cause such Order to be cancelled accordingly, and to execute to such Person in lieu thereof a Mortgage of a rateable Proportion of the said Tolls, Property, and Effects created by this Act, for securing the

the Principal Amount expressed in such Order so delivered up to be cancelled, and all Interest payable or which may become payable thereon under the Provisions of this Act.

Compelling Payment of Subscriptions.

LXXXV. And be it further enacted, That the several Persons who have agreed to give or lend, or who shall hereafter agree to give or lend, any Money towards carrying this Act into execution, and their several and respective Heirs, Executors, and Administrators, shall and they are hereby required to pay the respective Sums so agreed to be given or lent, or which shall hereafter be agreed to be given or lent, to the Treasurer of the said Trustees, at such Times and in such Parts and Proportions as the said Trustees shall order and direct; and if any Person shall neglect or refuse to pay the same as aforesaid, it shall be lawful for the said Trustees to sue for and recover the same in the Name of their Treasurer in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance shall be allowed.

Power to borrow Money by mortgage of the Tolls.

LXXXVI. And whereas the Money subscribed or to be subscribed as aforesaid may be insufficient for the Purposes of this Act, be it therefore enacted, That it shall be lawful for the said Trustees to borrow and take up at Interest, on the Credit of the Tolls arising by virtue of this Act, such further Sum or Sums of Money as they shall from Time to Time think fit; and they are hereby empowered to demise or mortgage the Tolls granted by this Act, or any Part or Parts thereof, and the said Bridge, Roads, and Approaches, and other Works hereby authorized to be made, (the Costs and Charges of such Mortgages to be paid out of such Tolls,) as a Security to any Person, or to his or her Trustee or Trustees, who shall advance such further Sum or Sums of Money; and every such Mortgage may be in the Words or to the Effect following; (that is to say,)

Form of Mortgage.

'BY virtue of an Act passed in the Eleventh Year of the Reign of
'His Majesty King *George* the Fourth, intituled [*here insert the*
'*Title of this Act*], we, whose Hands and Seals are hereunto sub-
'scribed and set, being of the Trustees for executing
'the said Act, in consideration of the Sum of
'to the Treasurer of the said Trustees in Hand paid by
'do grant, bargain, sell, and demise unto the said
'his [*or* her] Executors, Administrators and Assigns, such Propor-
'tion of the Tolls and other Property and Effects created by the said
'Act as the said Sum of doth or shall
'bear to the whole Sum now due and owing or hereafter to be
'advanced on the Credit thereof; to be had and holden from this
'Day of until the said Sum of
'with Interest at the Rate of
'*per Centum per Annum*, to commence and be computed from the
'Day of shall be paid and satisfied.
'Given under our Hands and Seals this Day of
'in the Year of our Lord .'

And every such Mortgage or Security to be granted under the Provisions of this Act, and executed by Five or more of the said Trustees, shall

shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever.

Trustees may borrow Money of Exchequer Bill Commissioners.

LXXXVII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to borrow of and from the Commissioners for carrying into execution an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on public Works and Fisheries, and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, all or any Part of such Sum or Sums of Money hereby authorized to be raised as the said Trustees may deem expedient for the Purposes of this Act, upon Mortgage or Assignment of the Tolls authorized to be collected and received by virtue of this Act, and of the Bridge, Roads, and Approaches, and the other Property of the said Trustees, and either with or without other collateral Security for the Repayment thereof with Interest, as the said Commissioners shall think fit, subject nevertheless to such of the Provisoes and Conditions particularly mentioned and expressed in the said Act of the Third Year of the Reign of His present Majesty, and the Acts therein recited or referred to, as the said Commissioners shall require to be performed, and in such Form as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint.

Mortgages, &c. to the Commissioners of Exchequer Bills to have Priority.

LXXXVIII. Provided also, and be it further enacted, That any Mortgage or Assignment which shall be given or made by the said Trustees, or any Five or more of them, to the said Commissioners for the Issue of Exchequer Bills, shall have Priority over and shall precede all other Mortgages or Securities granted under the Provisions of this Act, any thing in this Act, or in any Mortgage or Security which shall be granted under the same, to the contrary in anywise notwithstanding.

Power to transfer Securities.

LXXXIX. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Monies subscribed or to be subscribed towards building and making the said Bridge, Roads, and Approaches, and other Works by this Act authorized, or for the Monies to be borrowed as aforesaid, and their respective Executors, Administrators, and Assigns (as the Case may be), at any Time or Times, by Writing under their respective Hands and Seals, to transfer the same respectively to any Person or Persons whomsoever, in the Form or to the Effect following; (that is to say,)

Form of Transfer.

‘ I of [*or* I of
‘ Executor *or* Administrator of late of
‘ *or otherwise, as the Case may happen to be*], in consideration of the
‘ Sum of to me paid by of
‘ do hereby assign and transfer unto the said his [*or* her]
‘ Executors, Administrators, and Assigns, a certain Security [*or*
‘ *otherwise, as the Case may be*], bearing Date the Day of
‘ in the Year of our Lord under the Hands
‘ and Seals of of the Trustees acting under and by
‘ virtue

'. virtue of an Act passed in the Eleventh Year of the Reign of King
' *George* the Fourth, intituled [*here insert the Title of this Act*], and
' the Principal Sum of thereby secured, and all
' Interest now due and hereafter to grow due thereon, with all my
' Right, Title, and Interest in and to the same. Dated this
' Day of in the Year of our Lord .'

Register Book to be kept.

XC. And be it further enacted, That a Book shall be provided by the said Trustees, and kept by their Clerk or Clerks, in which Book shall be entered and registered Copies of all Securities for the Payment of Money made in pursuance of this Act, and of every Transfer thereof, which Book shall be open to the Inspection of the several Holders of Securities made by virtue of this Act, and their respective Executors, Administrators, and Assigns, at all reasonable Times, without Fee or Reward; and for the Entry of every such Transfer the Clerk or Clerks shall be paid by the Person or Persons to whom such Transfer shall be made the Sum of Two Shillings and Sixpence, and no more; and every such Transfer, after such Entry as aforesaid, but not before, shall entitle the Person to whom the same shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred; and the Person or Persons to whom such Transfer shall or may be made, his, her, or their Executors, Administrators, or Assigns, may from Time to Time transfer such Security to any other Person or Persons whomsoever in a similar Way.

Application of Monies raised.

XCI. And be it further enacted, That the said Trustees shall and they are hereby authorized and directed to apply the Monies so hereby vested in them as aforesaid, and also all Sum and Sums of Money to be raised or received under or by virtue of this Act, and also all Tolls and Sums of Money hereby granted, in the Order and Manner following; (that is to say,) in the first place, in paying and defraying the Costs, Charges, and Expences incident to and attending the applying for and obtaining and passing of this Act, and also all Costs, Charges, and Expences incident to or attending the making or obtaining of Surveys, Plans, Sections, and Estimates for the said Bridge, Roads, Approaches, and other Works hereby authorized; then in paying the Costs, Charges, and Expences incident to and attending the erecting and building of the said Bridge, and making the said Roads and Approaches to communicate therewith, and all other Things necessary and requisite for completing and maintaining the said Bridge, Roads, and Approaches, and other Works hereby authorized or relating thereto; and after the said Bridge, Roads, and Approaches shall be completed and open to the Public, all and singular the Tolls and Sums of Money collected and arising therefrom shall be applied by the said Trustees in the Manner following; (that is to say,) in the first place, in the Payment and Discharge of the Costs, Charges, and Expences attending the Maintenance and Repair of the said Bridge, Roads, and Approaches, and other Works hereby authorized respectively, and all Salaries of Officers and other incidental Expences in anywise relating to the due Execution of this Act; and after Payment thereof, secondly, in paying to every Person who shall have subscribed and advanced any Money by way of Loan for the Purposes of this Act, and to every Mortgagee and Note-

holder under this Act, an Interest at and after the Rate of Five Pounds *per Centum per Annum* on the several Sums so by them subscribed and advanced or lent respectively, or at and after such less Rate of Interest upon which such respective Sums may have been subscribed or lent, as the Case may be, such Interest to commence and be computed from the Day on which the Tolls hereby granted shall become payable and be collected as aforesaid; and after such Payment thereof, thirdly, all the rest and Residue of such Tolls and Sums of Money to be collected and arising as aforesaid shall form a Sinking Fund as herein-after mentioned, and to or for no other Use or Purpose whatsoever.

Application of Sinking Fund.

XCII. And be it further enacted, That the said Trustees shall and they are hereby required to keep a separate and distinct Account of the Monies applicable to form a Sinking Fund, as herein-before is mentioned, and of the several Sum and Sums of Money which shall belong thereto respectively; and when and as often as the same Fund shall amount to or exceed the Sum of Two hundred Pounds, the said Trustees shall and they are hereby required to cause the Numbers of the several Securities for Money granted and then in force to be written on distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled or folded up in the same Form, and be put into a Box, and the Clerk to the said Trustees shall, in the Presence of the said Trustees, draw separately out of the said Box One of the said Numbers for each Security then intended to be paid off by the said Trustees, and thereupon the Security or Securities corresponding with the Number or Numbers which shall be so drawn shall be accordingly paid off by the said Trustees, or so much thereof as the Amount in hand belonging to such Sinking Fund will then discharge; and after every such Ballot the said Trustees shall cause Notice, signed by their Clerk or Clerks, to be given to the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot, which Notice shall express the Principal Sum to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Three Calendar Months from the Date of giving such Notice; and the Interest of the Principal Money to be paid off shall, from and after the End of the said Three Calendar Months, cease and be no longer paid or payable, unless the Money shall be demanded pursuant to such Notice, and not paid; but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the End of the said Three Calendar Months, shall nevertheless be payable on Demand.

When the Tolls are to cease.

XCIII. And be it further enacted, That when all the Monies borrowed and raised under the Authority of this Act, for which Securities for the Repayment thereof shall have been given, shall have been paid off, the said Trustees shall and they are hereby authorized to allow the Tolls and other Monies to be collected as aforesaid to accumulate; which Accumulation, as well as the Dividends, Interest, and annual Produce arising therefrom, shall from Time to Time, when and as often as the same amounts to the Sum of One hundred Pounds, be laid out in the Names of the Chamberlain for the Time being of the

the City of *Bristol*, the Treasurer for the Time being of the said Society of Merchant Venturers, and the Treasurer for the Time being of the Trustees of this Act, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or on Government or Real Securities, upon the Trusts herein-after mentioned, until the Sums so invested shall amount to the Sum of Two thousand Pounds, which Sum, together with the Dividends, Interest, and annual Produce thereof, shall form a Fund for the future Maintenance and Support of the said Bridge, Roads, Approaches, and other Works hereby authorized; and the same, or so much thereof as shall from Time to Time be required, may be laid out and applied by the said Trustees for such Purpose; and when and so soon as the said Fund shall have amounted to the said Sum of Two thousand Pounds, the Tolls on the said Bridge, Roads, and Approaches hereby authorized to be collected, shall cease and determine, and be no longer paid or payable; and the said Annuities and Securities so to be purchased, or any Part thereof, shall from Time to Time be transferred, sold, and disposed of as the said Trustees shall direct, and the Proceeds thereof, and also the Dividends and Interest of the same in the meantime, shall from Time to Time be paid to the Treasurer for the Time being to the said Trustees for the Purposes of this Act, whose Receipt shall be a good and sufficient Discharge for the Amount expressed to be received.

Power to impose an occasional Toll, as Exigences may require.

XCIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, at any Meeting or Meetings at which not less than Ten Trustees shall be present, and they are hereby fully authorized and empowered, from Time to Time, and at any Time or Times after the said Tolls shall have so ceased as aforesaid, again to impose and collect such further Tolls, (not exceeding the Amount of the Tolls by this Act granted) as they shall find necessary or expedient to be raised for defraying the Expences of repairing and keeping in repair the said Bridge, Roads, and Approaches; and the said Trustees shall have Power and Authority from Time to Time to suspend and discontinue the said Tolls, or any Part of them, and again to impose and collect others, (with such Exceptions and Exemptions as aforesaid, not exceeding the Amount aforesaid,) as they shall find necessary for the Repairs of the said Bridge, Roads, and Approaches, or as Exigences may require: Provided also, that whenever such further or occasional Tolls shall for the Purposes aforesaid be raised and levied, Notice thereof shall be given by Advertisement to be inserted Twice in One or more of the *Bristol* Newspapers at least Fourteen Days before the Commencement thereof; and then and from thenceforth, and whilst such further or occasional Tolls shall continue to be raised and levied, all and every the Provisions, Powers, and Authorities herein contained with reference to the Tolls hereby granted, and to the raising Money on the Credit thereof, shall be applicable in all respects to such further or occasional Tolls.

Bridge to be public, but not a County Bridge.

XCV. And be it further enacted, That after the said Bridge, Roads, and Approaches shall have been completed, the same shall be deemed public; and all Persons, with or without Horses, Cattle, or Carriages, shall have free Liberty, upon Payment of the Tolls by this Act

Act granted, or without any Payment after the said Tolls shall have ceased as herein-before mentioned, to pass over the same without any Interruption whatsoever; but such Bridge shall not be deemed a County Bridge, so as to subject the said Counties of *Gloucester* or *Somerset* or the City and County of the City of *Bristol*, or any Parish or Parishes therein, or either of them, to repair, light, or watch the same, or any of the Roads or Approaches thereto by this Act authorized to be made as aforesaid.

For Recovery of Compensation from Trustees.

XCVI. Provided always, and be it further enacted, That whenever any Money shall be ordered by any Justice of the Peace to be paid by the said Trustees, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, or Injury of any Nature or Kind whatsoever done or committed by the said Trustees, or by any Person acting by or under their Authority, or for any Penalty or Forfeiture incurred by the said Trustees, such Money, together with the reasonable Costs and Expences of hearing and determining the Matter, shall forthwith be paid by the Treasurer to the said Trustees, out of any Monies then in the Hands of such Treasurer, to the Party entitled to receive the same; and if the same shall not be paid within Ten Days after Demand in Writing shall have been delivered to the Clerk or Clerks or Treasurer to the said Trustees for the Time being, the Amount of such Compensation or Satisfaction, Penalty or Forfeiture, and Costs and Expences as aforesaid, shall and may be recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, together with the Costs and Expences of such Distress and Sale, under a Warrant to be issued by some Justice of the Peace, which any such Justice is hereby authorized and required to grant upon Application made to him for that Purpose by the Party entitled to receive such Compensation or Satisfaction, Penalty or Forfeiture as aforesaid: Provided nevertheless, that every such Treasurer shall in the first place, and in priority to every other Charge whatsoever, be reimbursed, out of the Monies to arise or be collected by virtue of this Act, all such Costs and Expences as he shall incur or become chargeable with in respect of any Distress and Sale of his Goods and Chattels to be so made for the Recovery of such Compensation or Satisfaction, Penalty or Forfeiture as aforesaid.

Recovery and Application of Penalties.

XCVII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not herein particularly directed) may in case of Nonpayment thereof be recovered in a summary Way upon the Adjudication and Order of some Justice of the Peace for the County of *Gloucester* or *Somerset* or the City and County of the City of *Bristol*, (as the Case may be,) on Complaint to him for that Purpose exhibited, and be levied, as well as the Costs and Expences (if any) attending such Adjudication, Recovery, and Levy, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Person liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon and examine any Witness upon Oath or Affirmation of and concerning such

Offence, Matter, and Thing, and to hear and determine the same; and the Overplus (if any) of the Money so recovered or levied, after discharging such Penalty or Forfeiture and Costs and Expences as aforesaid, shall be rendered to the Owner of the Goods and Chattels so seized and distrained; all which Penalties and Forfeitures not herein directed to be otherwise applied shall be paid to the said Trustees, or their Treasurer, to be applied for the Purposes of this Act, as the said Trustees shall order and direct, unless the Penalty or Forfeiture shall be incurred by the said Trustees, in which Case the same shall be paid to the Informer; and it shall be lawful for any Justice to order any Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender shall give sufficient Security, to the Satisfaction of such Justice, for his Appearance before the said Justice, or before some other Justice having Jurisdiction, on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Seven Days from the Day of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the Penalty or Forfeiture and Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice, upon the Confession of the Offender, or otherwise, that he has not sufficient Goods and Chattels whereupon such Penalty or Forfeiture, Costs and Expences, could be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, but in such Case such Justice shall and he is hereby empowered and required, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction for the County, City, Town, or Place wherein such Offence shall be committed, or wherein the Offender shall be or reside, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, or until such Offender shall have paid such Penalty or Forfeiture, and all Costs and Expences attending the Proceedings, to be ascertained by such Justice, or shall otherwise be discharged by due Course of Law: Provided always, that in all Cases where the Penalty or Forfeiture imposed by this Act shall exceed the Sum of Forty Shillings, no Proceeding shall be had and taken for the Recovery thereof before a less Number than Two Justices.

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

XCVIII. And be it further enacted, That in all Cases where Damages or Charges are by this Act directed to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment, or of any Dispute respecting the same, shall be ascertained and determined by some Justice of the Peace; and where by this Act any Damages or Charges are directed or authorized to be paid in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Nonpayment, or of any Dispute respecting the same, shall be ascertained and determined by the Justice by or before whom the Offender shall be convicted of such Offence; and such Justices respectively are hereby authorized and required, on Nonpayment of

the Damages in any of the Cases aforesaid, to levy such Damages and 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.

Justices may proceed by Summons in the Recovery of Penalties.

XCIX. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon before him the Party complained against, 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 before him; and all such Proceedings by Summons, without Information in Writing, shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing were exhibited.

Offenders whose Names are unknown to be taken up.

C. And be it further enacted, That it shall be lawful for any of the said Trustees, or for any Officer or Person acting in the Execution of this Act, and for such other Persons as they respectively shall call to their Assistance, without any other Warrant or Authority than this Act, to seize and detain any Persons who shall commit any Offence against this Act, and whose Names and Addresses shall be unknown to such Trustees, Officers, or other Persons as aforesaid, and take them before some Justice of the Peace for the County or Place wherein the Offence shall be committed; and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Forms of Information and Conviction.

CI. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act shall and may cause the Information and Conviction respectively to be drawn up according to the following Forms, or in any other Form to the same Effect, as the Case may require; (that is to say,)

Form of Information.

'
' to wit. } BE it remembered, That on the Day of
' *A. B.* of informeth me, One of His
' Majesty's Justices of the Peace for that of
' [*here describe the Offence and the Time and Place*],
' contrary to an Act passed in the Eleventh Year of the Reign of His
' Majesty King *George* the Fourth, intituled [*here insert the Title of this*
' *Act*], which hath imposed a Forfeiture of for the said
' Offence. Taken the Day of before me .'

Form of Conviction.

'
' to wit. } BE it remembered, That on [*Time of Conviction*], at
' *A. B.* was convicted before me *C. D.*, One
' of His Majesty's Justices of the Peace for
' for that the said *A. B.*, on at did
' [*here state the Offence*], contrary to an Act passed in the Eleventh
' Year of the Reign of His Majesty King *George* the Fourth, intituled
' [*here insert the Title of this Act*]; and I do therefore adjudge that
' the

'the said *A. B.* has forfeited for the said Offence the Sum of
'or shall be committed to [*Place of Imprisonment*] for the Space of
'. Given under my Hand and Seal the Day and Year
'first above written.'

Distress not to be unlawful for Want of Form.

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

Appeal.

CIII. And be it further enacted, That all Persons who may think themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule or Order of the said Trustees, or by any Order, Judgment, or Determination of any Justice relating to any Matter or Thing in this Act mentioned or contained, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at the next General or Quarter Sessions to be held for the County wherein the Cause of Appeal shall arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made or to the Clerk or Clerks to the said Trustees, and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Justices therein; and the said Justices shall, in a summary Way, either hear and determine such Complaints at such General or Quarter Sessions, or, if they think proper, adjourn the hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, or may order any Money to be returned which shall have been levied in pursuance of such Rule, Order, or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggrieving as they shall think reasonable.

Trustees and Officers to be competent Evidence.

CIV. And be it further enacted, That in all Actions and Proceedings whatsoever relating to or concerning the Execution of this Act, none of the said Trustees, or their Clerks, Collectors, or other Officers or Servants, shall be deemed incompetent to give Evidence by reason of their filling or holding any Office under or by virtue of this Act.

Proceedings not to be quashed for Want of

CV. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender against this Act, or any Order made, or any other Matter or Thing done or transacted, in or relative

relative to the Execution of this Act, shall be vacated or quashed for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*. Form, or to be removed.

CVI. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person for any thing arising out of this Act until Fourteen Days Notice of the Intention to commence such Action or Suit shall have been given in Writing to the Clerk or Clerks to the said Trustees, nor after sufficient Satisfaction has been made or tendered to the Party aggrieved, nor after Six Calendar Months next after the Fact committed for which such Action or Suit shall be so brought or instituted; and every such Action shall be brought and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant in such Action may plead the General Issue, and give this Act and every special Matter in Evidence at any Trial which shall be had thereupon; and if the Matter or Thing shall appear to have been done consistently with the Directions and Provisions of this Act, or that such Action or Suit was commenced before or after the Times herein-before prescribed, or that sufficient Satisfaction was made or tendered as herein is mentioned, or that such Action was laid in any other County or Place than as aforesaid, then the Jury shall find a Verdict for the Defendant. Limitation of Actions.

CVII. Provided also, and be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Act committed or done in the Execution of this Act, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed or done any such Irregularity, Trespass, or other wrongful Act, before such Action brought; and in case no Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Judgment shall be made, had, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court. Plaintiff not to recover in any Action after Tender of Amends.

CVIII. And be it further enacted, That if any Person shall be summoned by any Justice of the Peace, or by any other Person having due Authority, as a Witness to give Evidence touching any Matter or Thing relating to this Act, either on behalf of the Prosecution or on behalf of the Person accused, and such Person shall refuse or neglect to appear at the Time and Place to be appointed for that Purpose, after having been paid or tendered a reasonable Sum of Money for his Costs and Expences, without a sufficient Excuse being given for such Nonappearance, or appearing shall refuse or decline to be examined or to give Evidence touching the Matter in question, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds, to be recovered as any other Penalty or Forfeiture may by this Act be recovered. Penalty on Persons not appearing or refusing to be examined as Witnesses.

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

CIX. And be it further enacted, That in all Cases where it may be necessary for any Person to serve any Notice or other Proceeding upon the said Trustees, Service thereof respectively upon any One of the said Trustees who may be a Member of a Committee for managing the Affairs of the said Trustees, or left at his last or usual Place of Abode, or upon the Clerk or Clerks of the said Trustees, or left at the Office of such Clerk or Clerks, or at his or their last or usual Place of Abode, shall be deemed sufficient Service of the same upon the said Trustees; and in all Cases where it may be necessary for the said Trustees to give any Notice to any Person or Body whomsoever under the Provisions of this Act, such Notice shall be in Writing or in Print, and be signed by any Three or more of the said Trustees, or by the Clerk or Clerks for the Time being to the said Trustees by their Order, and shall be delivered to such Person, or left at his last or usual Place of Abode, or be delivered to some Member of such Body, or left at his last or usual Place of Abode, or to some Clerk or other Officer of such Body, or left at the Office of such Clerk or other Officer, or at his last or usual Place of Abode, except in Cases in which any other Mode of giving such respective Notices is by this Act particularly directed; and in all Cases where any public Notice is by this Act directed to be given by the said Trustees, (except such public Notices as are by this Act directed to be given in some other Manner,) such Notice shall be in Writing or in Print, and be signed by any Three or more of the said Trustees, or by the Clerk or Clerks to the said Trustees for the Time being, and be affixed to or upon all the Toll Gates, Toll Bars, or Toll Houses on the said Bridge, Roads, and Approaches, and also be inserted in Two or more of the *Bristol* Newspapers; and all such Notices so published and given shall be good and available in Law for all the Purposes of this Act.

Notice by the Trustees.

General Power to Justices to administer Oaths.

CX. And be it further enacted, That in all Cases where any Justice of the Peace is by this Act authorized to examine any Person to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice, and he is hereby empowered and required, to administer an Oath to or to receive the Affirmation of any such Person before he shall be so examined.

Bridge to be completed in Seven Years.

CXI. And be it further enacted, That if the said Bridge, Roads, and Approaches shall not be completed, so that the same shall be passable for Horses and Carriages, within the Term of Seven Years after the passing of this Act, then and from thenceforth all the Powers and Authorities by this Act granted to the said Trustees for those Purposes shall cease and determine, save and except as to so much (if any) of such Bridge, Roads, and Approaches as shall be certified to have been completed within the said Term by the Justices of the Peace for the said County of *Gloucester* assembled at any General or Quarter Sessions of the Peace to be held for the said County, at any Time before the Expiration of the said Term of Seven Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath, to be produced before them for that Purpose.

CXII. And

Bridge to be deemed to be in the City and County of the City of Bristol.

CXII. And in order to remove all Doubts where and before whom Offences committed on the said Bridge shall and may be cognizable, and how and by whom the Offenders in such Cases may be punished; be it further enacted, That the said Bridge when built shall be deemed to be in the said City and County of the City of *Bristol*, and that a Line denoting the Boundary of the said Bridge be marked by the said Trustees at each End thereof.

Saving the Rights of the Mayor, &c. of the City of Bristol.

CXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to abridge or lessen any of the Rights, Privileges, Franchises, Immunities, Powers, or Authorities of the Mayor, Burgesses, and Commonalty of the City of *Bristol*, as Owners of the Port of *Bristol*, or as Conservators of the Rivers within the City and Port of *Bristol*.

Public Act.

CXIV. 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.

The

The SCHEDULE to which the aforegoing Act refers.

No. on Plan.	Description of Property.	Parish and County where situate.	Owners or Reputed Owners.	Occupiers.
1	Clifton Down, Pasture, Plantation and Rocks - -	Clifton, Gloucester -	Society of Merchants -	Society of Merchants.
2	Turnpike Roads -		Trustees for Bristol Roads - -	Trustees for Bristol Roads.
3	Roads - - -		Parish of Clifton -	Parish of Clifton.
4	Toolhouse and Garden		Philip Elliott, Esq. -	Philip Elliott, Esq.
5	Pasture Field - -		Do. - - -	Do.
6	Pasture - - -		John Russ - -	John Nicholas and Co.
7	Do. - - -		John and William Wray	Do.
8	Do. - - -		Elizabeth Russ and Francis Adams -	Do.
9	Do. - - -		Francis Adams - -	John Wallis.
10	Do. - - -		Samuel Worral, Esq. -	Luke Ball.
10 *a*	Roads - - -		Parish of Clifton -	Parish of Clifton.
11	Pasture and Sheds -		Mrs. Haynes - -	Edmund Cross.
12	Pasture - - -		James Wintle - -	James Wintle.
13	Garden - - -		Do. - - -	Do.
14	Pasture - - -		Elizabeth Russ and Francis Adams -	William Hain.
15	Do. - - -		Do. - - -	Do.
16	Wood and Pasture -	Long Ashton, Somerset -	Sir John Smyth, Bart. -	Philip John Miles, Esq.
17	Stone Quarry - -		Do. - -	Trustees for Bristol Roads.
18	Turnpike Road- -		Trustees for Bristol Roads - -	Do.
23	Pasture - - -		Sir John Smyth, Bart.	Peter Maze, Esq.

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