ANNO QUARTO

GEORGII IV. REGIS.

Cap. i.

An Act for building a Bridge over the River *Severn*, at or near the *Haw Passage*, in the County of *Gloucester*, and for making convenient Roads thereto. [19th *March* 1823.]

WHEREAS the building of a Bridge over the River *Severn*, at or near a Place called the *Haw Passage*, from the West Bank of the said River, in the Parish of *Tirley*, in the County of *Gloucester*, to the opposite Bank in the Parish of *Deerhurst*, in the same County, and the making of convenient Roads to communicate therewith, and the altering, widening, and repairing of the present Roads leading to the said Passage, will very materially shorten the Distance, and facilitate the Communication between the Town of *Cheltenham*, in the said County of *Gloucester*, and the Town of *Ledbury*, in the County of *Hereford*, and also between *London*, *Ledbury*, and *South Wales*; and the building of such Bridge, and the making, altering, widening, and repairing of such Roads, will be a great Advantage and Accommodation to the Proprietors and Occupiers of Land, and to the Inhabitants of the several Parishes and Places lying on the East and West Sides of the said River, in the Neighbourhood of the said *Haw Passage*, and near to the said Line of Road, and will in many other Respects be of

great public Utility: And whereas there is a Ferry for Carriages, and for Horses and Foot Passengers, over the said River *Severn*, at the *Haw Passage* aforesaid, and it would be advantageous to the Public to purchase the said Ferry: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all His Majesty's Justices of the Peace, acting for the County of *Gloucester*, together with *James Agg*, *Thomas Alder*, *Edward Armitage*, *Thomas Addison*, *Robert Biddulph*, *John Biddulph*, *Charles Bodenham*, *Francis Lewis Bodenham*, *John Maisey Byrch*, *John Griffith Beavan*, *Devereaux Bowley*, *Edward Barnes*, *William Barnard*, *John Briggs*, *John Biddulph* the younger, *Edward Bartley*, Sir *John Geers Cotterell* Baronet, *James Commeline* Clerk, *Robert Capper*, *Edward Bolton Clive*, *James Fielder Croome*, *Richard Warren Coley*, Sir *George Cornewall* Baronet, *George Dowdeswell*, *Thomas Davis*, Viscount *Eastnor*, *Edmund Eckley* Clerk, *Thomas Fulljames*, *James Fowler*, *James Fisher*, Sir *Arthur Brooke Faulkner* Knight, *John Gardner*, *Thomas Gray*, *Thomas Griffiths*, *William Gyde*, *Theodore Gwinnett*, *Charles Gillart*, *Jeremiah Hawkins*, *William Hawkins*, *John Hopkins*, *Henry William Harris*, *William Hopton* Clerk, *Thomas Henney*, *William Henry Hyett*, *James Lloyd Harris*, *Edward Howell*, *Walter John Hamilton*, *Thomas Healing*, *John James*, *Thomas Jay*, *Baynham Jones*, *John Ireland*, *Thomas Jones*, Sir *Anthony Lechmere* Baronet, *James Lovett*, *Samuel Lovesy*, *Conway Whithorne Lovesy*, *James Matthews*, *Saunders William Miller* Clerk, *Stephen Hemsted Murley*, *Robert Morris*, *Charles Henry Marshall*, *Benjamin Moreland*, *Thomas Newell*, *Edmund Lambert Newman*, *James Neyler*, *George Newmarch*, *Thomas Newman*, *Benjamin Newmarch*, *John Harvey Ollney*, *Joseph Pitt*, *Robert Price*, *Joseph Pitt* the younger, *William Pitt*, *Richard Pruen*, *William Henry Parker*, *John Parker*, *Rowland Paul*, *John Phillpotts*, *John Ferris Petherick*, *David Ricardo*, *Osman Ricardo*, *John Riddell*, *Luke Reilly*, *William Ravenhill*, *John Roughton*, *Joseph Read*, *Henry Eustatius Strickland*, *Walter Strickland*, *Charles* Archdeacon *Sandiford*, *Charles Seale*, *John Sherburne*, *Thomas Smith*, *Thomas Northplace Smith*, *Joseph Cooper Straford*, *Samuel Shedden*, *John Smith*, *William Slatter*, *William Slatter* Clerk, *Michael Joseph Semper*, *Charles Seager*, *Richard Philip Scudamore*, *Charles Taylor* Clerk, D. D., *John Turner*, *Thomas Turner*, *Pearson Thompson*, *Henry Norwood Try*, *Daniel Trinder*, *Charles Sheldon Timins*, *Walter Wilkins*, *William Wood*, *Walter Wilkins* the younger, *Francis Walker*, *John White*, *Charles Wetherell*, *Robert Younghusband*, and their Successors, to be appointed in Manner hereinafter mentioned, shall be and they are hereby appointed Trustees for carrying this Act into Execution.

Trustees.

Power to elect an additional Number of Trustees.

II. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, and they are hereby authorized and empowered at any Meeting to be holden in pursuance of this Act, to elect and appoint any Number of additional Trustees, not exceeding Five in the whole; such Notice being given

given of such Election and Appointment, as hereinafter mentioned; which additional Trustees shall have the same Power and Authority for executing this Act as if they had been herein named and appointed.

Appointment of new Trustees.

III. And be it further enacted, That when and so often as any of the Trustees named in or appointed by virtue of this Act, or hereafter to be appointed under or by virtue hereof, shall die, resign, or refuse to act, or by Bankruptcy, Insolvency, or otherwise, become incapable of acting in the Execution of this Act, then and in every such Case it shall be lawful for the surviving or continuing Trustees, or any Three or more of them, from Time to Time, at any Meeting to be holden in pursuance of this Act, by Writing under their respective Hands, to elect and appoint some Person to be a Trustee, in the Room of every Trustee so dying, resigning, or refusing to act, or becoming incapable of acting as aforesaid, Fourteen Days previous Notice of the Time and Place of Meeting of the said Trustees for every such Election being given by the Clerk or Treasurer of the said Trustees for the Time being, by affixing such Notice in Writing upon all the Toll Gates to be erected in pursuance of this Act; and every Person who shall be so elected and appointed a Trustee shall and may act with the surviving and continuing Trustees, in the Execution of this Act, in the same Manner as if he had been originally appointed a Trustee in and by this Act.

Qualification of a Trustee.

IV. Provided always, and be it enacted, That no Person shall act as a Trustee in the Execution of this Act, unless he shall either in his own Right, or in the Right of his Wife, be seised or possessed of, and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person so seised or possessed of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds above Reprizes; and if any Person not being so qualified, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed the Oath hereinafter mentioned, or, being a Quaker, not having made and subscribed the Affirmation hereinafter mentioned, shall nevertheless presume to act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered by Action of Debt, or on the Case, or by Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, with full Costs of Suit; and every such Person so prosecuted for acting as such Trustee shall prove that he is so qualified, or not disqualified, or not incapable of acting as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act: Provided always, that all the Acts and Proceedings of any Person acting as a Trustee in the Execution of this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been duly qualified according to the Directions of this Act.

Oath.

V. Provided also, and be it enacted, That every Trustee before he shall act as such (except in administering the following Oath or Affirmation at the First or Second Meeting after the Commencement of this Act) shall take an Oath (or, being a Quaker, shall make solemn Affirmation), before One or more of the said Trustees, (who is and are hereby empowered to administer the same), in the Form following; that is to say,

'I do swear [*or*, being one of the People called *Quakers*, do solemnly affirm, *as the Case may be*,] that I am truly and *bonâ fide* in my own Right [or in Right of my Wife] seised of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, of an Estate for Life or Inheritance of the Value of One hundred Pounds above Reprizes, or am Heir Apparent of , who to the best of my Knowledge is seised of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds above Reprizes; and that I will faithfully and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Trustee under and by virtue of an Act passed in the Fourth Year of the Reign of his present Majesty King *George* the Fourth, intituled an Act [*here set forth the Title of this Act*]. So help me GOD.'

Trustees may act as Justices.

VI. And be it further enacted, That such of the said Trustees as are or shall be in the Commission of the Peace for the said County of *Gloucester*, may nevertheless act as Justices of the Peace in Execution of this Act, except only in such Cases where they shall be personally interested.

No Trustee concerned in any Contract, &c. to act.

VII. And be it further enacted, That no Trustee appointed, or to be appointed, under or by virtue and for the Purposes of this Act, who shall hold any Contract, or be beneficially employed, or in any manner interested or concerned directly or indirectly in supplying any Articles or Materials for the Use of the said Trustees, shall act as a Trustee for the Purposes of this Act during the Time he shall be so employed, concerned, or interested as aforesaid; and in case any Person shall act as a Trustee under this Act during the Time he shall hold any Contract, or shall be beneficially employed, or in any Manner interested or concerned directly or indirectly in supplying any Articles or Materials for the Use of the said Trustees; then and in every such Case, every such Person so acting as a Trustee shall forfeit and pay for every such Offence the Sum of Fifty Pounds, together with full Costs of Suit to any Person or Persons who shall sue for the same, to be recovered 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, and One Moiety of such Penalty, when recovered, shall be paid to the Person or Persons who shall sue for the same, and the other Moiety shall be paid to the said Trustees, to be applied to the Purposes of this Act; and the Person or Persons so convicted shall be absolutely dis-

disqualified from acting any longer as a Trustee under or for the Purposes of this Act.

Trustees First and other Meetings.

VIII. And be it further enacted, That the said Trustees shall meet together at the House known by the Name or Sign of the *Plough* at *Cheltenham*, or at some other convenient Place in or near *Cheltenham* aforesaid, within Twenty-one Days after the passing of this Act, or as soon afterwards as conveniently may be, and proceed in the Execution hereof; and the said Trustees shall then from Time to Time afterwards, during the Continuance of this Act, adjourn themselves to meet at the same Place, or at such other Place or Places upon or near the Side or Sides of the said Roads, and not exceeding the Distance of Six Miles from some Parts thereof, and at such Time or Times, as the said Trustees respectively, or the major Part of them present at such Meetings, shall appoint; and if there shall not appear at any Meetings a sufficient Number of Trustees to act or to adjourn to another Day, (for the Purpose of which Adjournments only Two Trustees shall be sufficient), or in case the Trustees at any Time assembled shall omit to adjourn, or in case it shall at any Time be thought necessary by any Two or more of the Trustees to hold a Meeting of the said Trustees on an earlier Day than the Day to which any Meeting shall have been adjourned, then and as often as it shall so happen any Two or more of the said Trustees (or the Clerk to the said Trustees, being authorized by an Order in Writing, signed by Two or more of the said Trustees), shall and may call a Meeting of the said Trustees, by a Notice in Writing, to be affixed on all the Turnpike Gates then erected upon or across the said Roads Ten Days previous to the Time of such Meeting, at such Time and Place as such Trustees shall think proper, and order, direct or appoint; and at all the several Meetings, the Trustees shall 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 all Orders and Determinations of the Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not elsewhere, (except in the Cases hereby otherwise particularly provided for); and that no Order or Determination shall be made unless the major Part of the Trustees present shall concur therein; and that all Acts, Orders, and Proceedings relating to this Act which are directed to be had, made, done, or exercised by or before the said Trustees, and all the Powers and Authorities hereby in them vested generally, shall and may be had, made, done, and exercised by the major Part of the Trustees who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number present not being less than Three (except in such Cases where any other Number is herein named); and that all Acts, Orders or Proceedings had, made or done, by or before such Three Trustees, shall have the same Force and Effect, and be binding and conclusive on all Persons and to all Intents and Purposes whatsoever as fully and effectually as if the same were had, made, done or executed by or before all of the said Trustees; and that a Chairman shall and may, in the first place, be appointed at every Meeting to be held by virtue and for

Manner of adjourning.

Trustees to pay their own Expences, except for the Room.

Orders to be made at Meetings only, and Majority to concur.

General Quorum of Trustees.

Chairman to be appointed, who

shall have a casting Vote.

for the Purposes of this Act, who, in case of an equal Number of Votes upon any Occasion, (including such Chairman's Vote), shall have the casting or decisive Vote; and that no Order or Determination at any Meeting of the said Trustees, once made, agreed upon or entered into, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to make such Revocation or Alteration shall have been given at a previous Meeting holden and entered in the Book of Proceedings of such Meeting, and also by affixing a Copy of such Notice on all the Turnpike Gates then erected upon the said Roads Fourteen Days at least before such Meeting, nor unless such Revocation or Alteration shall be agreed to be made by a greater Number of Trustees than concurred in the making any such Order or Determination.

No Order to be revoked without Notice.

Trustees may appoint Officers.

IX. And be it further enacted, That the said Trustees by writing under their Hands shall and may appoint a Treasurer or Treasurers, Engineer or Engineers, Surveyor or Surveyors, Clerk or Clerks, Collector or Collectors, and Receiver or Receivers of the Tolls hereby granted, and such other Officers as they shall think necessary for the Purposes of this Act; and shall and may from Time to Time remove any such Treasurer or Treasurers, Engineer or Engineers, Surveyor or Surveyors, Clerk or Clerks, Collector or Collectors, Receiver or Receivers, and other Officers as they shall see Occasion, and appoint new ones in case of Death, Resignation, or Removal; and shall and may out of the Money arising by virtue of this Act make such Allowances to the Treasurer or Treasurers, Engineer or Engineers, Surveyor or Surveyors, Clerk or Clerks, Collector or Collectors, Receiver or Receivers, and other Officers, and to such other Persons as shall be employed in the Execution of this Act, as the said Trustees shall think reasonable; and every Officer shall, as often as required by the said Trustees, render and give to them, or to such Person as they shall appoint, a true and perfect Account in Writing under his Hand with proper Vouchers, of all Monies which he shall to such Time have received, paid, or disbursed by virtue of this Act, or by reason of his Office; and in case any Money so received shall remain in his Hands, the same shall be paid to the said Trustees, or to such Person as they shall by any writing under their Hands authorize to receive the same, to be laid out in the Execution of this Act, and not otherwise; and in case any such Officer shall not give in and make such Account and Payment as aforesaid, or shall for the Space of Ten Days after being thereunto required by the said Trustees refuse or neglect to render and give up to the said Trustees, or to such Person as they shall direct, all Books and other Things in their Hands, Custody, or Power relating to the Execution of this Act, that then any Justice of the Peace for the County where such Officer shall dwell, shall and may make Enquiry concerning such Default in a summary way, as well by the Confession of the Party as by the Testimony of One or more credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby empowered and required to administer without Fee or Reward); and if such Officer shall be convicted of any such Offence, such Justice shall upon such Conviction commit the Party to the common Gaol of the County where such Officer shall reside, there to remain without

without Bail or Mainprize until he shall have made a perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Trustees, and have paid such Composition Money, (which Composition the said Trustees are hereby authorized and empowered to make and receive), and shall also have rendered and given up all such Books and other Things as aforesaid, or given Satisfaction in respect thereof to the said Trustees; but no Person so committed for want of sufficient Distress shall be confined or detained in Prison by virtue of this Act, for any longer Space of Time than Six Calendar Months; provided always, that no Person shall be appointed or capable of holding any or either of the said Offices or any Place of Profit under this Act, who shall sell any Wine, Cider, Beer, Ale, or Spirituous Liquors by Retail.

Security to be taken from the Treasurer and other Officers.

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

Proceedings to be entered in a Book.

XI. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Book or Books, being signed by the Chairman who shall have been then present, or by any Three or more of the Trustees present at such Meeting, shall be deemed Originals, which Book or Books, and also the Book or Books hereinafter directed to be kept for registering Mortgages and Assignments, or Transfers thereof, shall be allowed to be read as Evidence in all Cases, Suits, Actions, Prosecutions and Proceedings touching or concerning any Thing done in pursuance of this Act; and such Book or Books shall at all seasonable Times be open to the Inspection of all and every the said Trustees, hereinbefore mentioned, and the Creditors on the Tolls hereby granted and made payable; and that any of the said Trustees and Creditors shall and may take Copies thereof, without paying any thing for the same.

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 to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out and expended for or on Account of the Bridge and Roads to be erected and made in pursuance of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any

Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Trustees or Creditors, or any or either of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner hereinafter mentioned.

Clerk not to act as Treasurer, and vice versâ.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer, for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

Trustees may remove Collectors, and appoint temporary Ones.

XIV. And be it further enacted, That when and so often as any Collector or Receiver of the Tolls shall die, or neglect or refuse to perform, or become incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting of the said Trustees to be appointed by virtue of this Act, to discharge such Collector or Receiver so neglecting or refusing to perform or become incapable of performing his Duty, or absconding or absenting himself, and to nominate and appoint some other Person or Persons to be a Collector or Receiver of the said Tolls until the then next Meeting of the said Trustees, in the stead of such Collector or Receiver who shall so die or be discharged; and such Person or Persons so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the like Manner in all respects as the Collector or Receiver who shall so die or be discharged would have had or been subject to; and that if any Collector or Receiver of the said Tolls who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person or Persons who may have the Possession of any Toll House or Building or any Appurtenances thereto, to be erected, set up, or used by virtue of this Act, shall neglect or refuse to deliver up the Possession thereof for the Space of Three Days next after demand thereof made by Notice in Writing, signed by any Two or more of the said Trustees, (although not assembled at a Meeting), or by their Clerk or Clerks, Treasurer or Treasurers for that Purpose, given to such Collector or Receiver or other Person or Persons, or left at any such

Collector refusing to give up Toll Houses, &c.

such Toll House, Building, or Premises, then and in any of the said Cases it shall be lawful for any One or more Justice or Justices of the Peace for the said County of *Gloucester*, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the said County, with such Assistance as may be necessary, to enter such Toll House, or other Buildings, or Premises in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and put the said Trustees or such new-appointed Collector or Receiver as aforesaid into the Possession thereof.

Justices impowered to grant Warrants, and Constable to enter and remove such Collectors, &c.

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

How Trustees may be sued.

XVI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, by Contract or otherwise, to cause a good and substantial Bridge to be built at or near the said Ferry across the said River *Severn*, fit and proper for the Passage of Carriages, Horses, Cattle, and Foot Passengers, and of such Form, Construction, and Dimensions as they shall think proper, except as hereinafter is mentioned, so that the said Bridge shall, when erected, stand at right Angles with the Current of the said River, and also a Toll Gate and Toll House, or Toll Gates and Toll Houses, with proper Causeways on each Side, and to cause the said Bridge and Toll House and Causeways to be from Time to Time supported, maintained, and kept in good Repair; and the said Trustees are hereby authorized and empowered to cause any Shelves or other Obstructions in the said River to be removed, and all Beds of Gravel, Sand, Mud, or other Impediment to be taken away, and the Banks of the said River to be dug and cut in such Manner as they shall judge necessary and proper for building the said Bridge, and from Time to Time to do or cause to be done all other Things necessary and proper for building, supporting, and maintaining the said Bridge, Toll

Power given to the Trustees for building the Bridge, &c.

Toll House, and Causeways; and that after the said Bridge shall be built as aforesaid, the same shall for ever be and remain a public Bridge, and all Persons, Horses, Cattle, and Carriages shall have free Liberty (upon Payment of the respective Tolls hereinafter granted) to pass over the same without any Hinderance or Interruption of or by any Person or Persons whomsoever.

Navigation of River Severn to be preserved.

XVII. And in order that the Current of the said River *Severn*, and the Navigation thereof, may not be hindered or obstructed, it is hereby further enacted, That the Crown of the Centre Arch of the said Bridge shall be raised to the Height of Six Feet at the least above the Level of the Banks of the said River, contiguous to the said Bridge, and that the several Piers of the Bridge, or the Foundations thereof, above the present Bed of the River, to be erected and formed by virtue of this Act, shall not in their whole Breadth occupy a Space of more than Eighteen Feet in the Channel of the said River, except during the Time of the Erection or Repair of the said Bridge, and that during the Time of such Erection or Repair, the Number of Piles to be driven in the Bed of the said River shall not be more than shall be absolutely necessary for the support of the said Bridge, and the Works thereto belonging.

Roads to be made.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees to make or cause to be made a new Line or Cut of Road from the North West Corner of a certain Piece of Arable Land belonging to *John Whittle*, lying at the Eastward of *Staunton Swan*, in the Parish of *Corse* in the said County of *Gloucester*, to meet the present Road near the Turnpike Gate, at or near the East End of the Parish of *Corse* in the said County of *Gloucester*; and also a new Line or Cut of Road to commence at the Top of *Tirley Pitch* in the Parish of *Tirley* in the said County, and thence passing through certain Inclosures, to join the present Road at the Bottom of *Tirley Street*, in the Parish of *Tirley* in the said County, so as to shorten the Distance and avoid the present Road down *Tirley Pitch*, and also to make or cause to be made a further new Line or Cut of Road from the West Corner of an Orchard belonging to *William Henry Hyett*, in the Parish of *Deerhurst*, adjoining the present Road from the *Haw Passage* to the *Coombe Hill* Canal, and thence passing through the said Orchard towards the Bank of the said *Coombe Hill* Canal, and thence parallel with the Bank of the Canal, and thence through certain Inclosures to join the present Turnpike Road leading from *Tewksbury* to *Cheltenham*, at or near the Public House called the *Swan*, in the Parish of *Leigh* in the said County; and also to alter, raise, widen, repair and improve any Part or Parts of the present Road leading from *Staunton Swan* to the *Haw Passage*, and from thence to the Foot of *Apperley Hill* aforesaid, and to the said Orchard of the said *William Henry Hyett*, through the several Parishes of *Corse Tirley*, *Deerhurst*, and the *Lye* in the said County of *Gloucester*; all which said Roads extending from the Land of the said *John Whittle*, near *Staunton Swan* aforesaid, unto the Junction of the Turnpike Road leading from *Tewkesbury* to *Cheltenham*, shall be deemed and considered Turnpike Roads, and to be made, improved, and repaired by virtue of this Act;

Act; and that it shall and may be lawful to and for the said Trustees, for the Purposes of making, altering, raising, widening, and repairing the said Roads, and for their Agents and Workmen to enter into and upon the Lands or Grounds belonging to any Person or Persons, Bodies Politic, Corporate or Collegiate whatsoever, through which the said Roads or intended Roads do or are to pass, and to set out and ascertain such Parts thereof as they shall think necessary and proper for the making, altering, and widening the said Roads; and when and as soon as the same shall be so set out and ascertained, and Compensation to the Parties interested shall have been agreed upon or tendered as hereinafter mentioned, at the proper Costs and Charges of the said Trustees, to fence off and separate the Land or Ground so intended for the said Roads, and for the altering and widening thereof from the adjoining Lands or Grounds, with Quicksets, and Posts, and Rails, or otherwise, as shall be found necessary or convenient, and with proper and sufficient Gates, Bridges, and Arches to open into and out of the said Roads, through which the respective Owners and Occupiers of the said Lands and their Agents and Servants shall and may at all Times thereafter have free Ingress, Egress, and Regress to pass and repass with their Horses, Teams, and Cattle; and the same Roads shall be made and at all Times afterwards maintained and repaired at the proper Costs and Charges of the said Trustees by and out of the Tolls by this Act granted, (except as hereinafter is mentioned.)

Plan deposited with the Clerk of the Peace to remain.

XIX. And whereas a Map or Plan describing the Line and Alteration of the said Roads and the Lands through which the same is to be carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace of the said County of *Gloucester*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at reasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, paying the Clerk of the Peace One Shilling for every such Inspection, and after the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts; and that the said Trustees in making, altering, or widening the said Roads shall not deviate more than One hundred Yards from the Line described in the said Map or Plan without the Consent in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Mistakes may be corrected.

XX. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees to make the said Roads into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land over which the said Roads are set out and described in the said Map or Plan as last aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously described or omitted in the said Book of Reference, in case it shall appear to any Two or more

Justices of the Peace for the said County of *Gloucester*, and be certified by Writing under their Hands that such Error or Omission proceeded from Mistake.

Roads may be widened, altered, &c.

XXI. And be it further enacted, That in case the said Trustees shall at any Time or Times hereafter think proper to widen, turn, or alter any Part or Parts of the said Roads either for shortening or rendering the same more commodious to Passengers, then and so often they the said Trustees shall have full Power and Authority from Time to Time to widen any Part or Parts of the said Roads, and to divert, turn or alter the Course or Direction of any Part or Parts thereof within the Distance aforesaid; and for that Purpose it shall be lawful for the said Trustees to treat, contract, and agree with the Owner or Owners of and Persons interested in any Lands, Tenements, or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owner or Owners, or Persons interested, or any of them, shall or may sustain by such widening, turning, or altering any Part or Parts of the said Roads or the making any such new Road as aforesaid.

Bodies Politic, and other incapacitated Persons, empowered to sell and convey.

XXII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and to and for all Tenants for Life, and Tenants in Fee Tail General or Special, or for Years determinable on any Life or Lives, whether in Possession, Reversion, Remainder, Expectancy or otherwise, and to and for all Husbands, Guardians, Trustees and Feoffees in Trust for Charitable and other Purposes, Committees, Executors and Administrators, and all other Trustees and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of themselves, their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and to and for all and every other Person or Persons whomsoever, who is or are or shall be seised, possessed of, or interested in such Ferry, or in any such Lands, Tenements, or Hereditaments, through or over which the said Roads shall be made, widened, diverted, or altered, to contract and agree with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell to them all or any of such Lands, Tenements, or Hereditaments as occasion shall require; and all Contracts and Sales which shall be so made, shall, without any Conveyance or Assurance in the Law, be valid and effectual to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all such Persons are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Satisfaction to be made.

XXIII. Provided always, and be it further enacted, That all and every Body and Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, and Tenant and Tenants for Life, and Tenant and Tenants in Fee Tail General or Special, or for Years determinable on any Life or Lives, whether in Possession, Remainder, Reversion, Expectancy,

pectancy, or otherwise, and all Feoffees in Trust, Executors, Administrators, Femes Covert, Husbands, Guardians, Committees, Trustees, and all and every other Person or Persons who is or are seised, possessed of, or interested in such Ferry, or in any Lands, Tenements, or Hereditaments which may be required for the Purposes of this Act, or whose Ferries, Rights, or Privileges, may be injured or prejudiced by means or in consequence of the Erection of such Bridge may accept and receive Satisfaction for the Value of such Ferry Lands, Tenements, or Hereditaments, and for the Damages to be sustained by the making, widening, diverting, or altering the said Roads, as shall be agreed upon by and between the said Parties interested respectively or any of them and the said Trustees; and in case the said Parties so interested or in consequence of the Erection of such Bridge, or any of them, and the said Trustees cannot agree as to the Amount or Value of such Lands, Tenements, or Hereditaments, or for Satisfaction for Damages to be sustained, the same shall be settled and ascertained as is hereinafter directed.

If Parties are dissatisfied they shall cause a Jury to be impannelled to decide the Matter.

XXIV. And be it further enacted, That if any such Body Politic, Corporate or Collegiate, or any Feoffee or Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Trustees, Committees of or for any Idiot or Lunatic, or any Feme Covert, or any Person whether Tenant for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, or any other Person or Persons so interested or entitled as aforesaid, cannot agree with the said Trustees respecting the Purchase of such Ferry or in any Lands, Tenements, or Hereditaments, or the Satisfaction to be made for any Damages (not hereby provided to be settled by any other Mode) that may be sustained from Time to Time by him, her, or them by or in consequence of the making or maintaining the said Bridge or Roads, or any Part or Parts thereof, or of any of the Works to be made and maintained by virtue of this Act, and shall give Notice in Writing to the Clerk of the said Trustees requiring a Jury to be summoned for the Purpose of determining such Purchase Money or Satisfaction; or if any Body Politic, Corporate or Collegiate, or any Person or Persons so interested or entitled as aforesaid shall, upon Notice in Writing given by the Clerk of the said Trustees to the principal Officers of any such Body Politic, Corporate or Collegiate, or to such Feoffee or Feoffees in Trust, Executors, Administrators, Husbands, Guardian, Trustee, Committee of or for any Idiot, Lunatic, or Feme Covert, or to such Tenant for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, or other Person or Persons so interested or entitled as aforesaid repectively, or left at the last or usual Place or Places of his, her or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or Grounds to be made use of for the Purposes of this Act for the Space of Twenty-one Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Trustees, or by reason of Absence or otherwise shall be prevented from treating, or through Disability or Nonage, Coverture or other legal Impediment, cannot treat for themselves, or make such Agreement or Agreements as shall be necessary for the Purposes as aforesaid, or shall not within the before mentioned Space of Twenty-one Days produce and fully disclose

disclose the State of the Title to the Premises, which he, she, or they respectively is or are or shall be in Possession of, and the Interest which he, she, or they respectively may claim therein, then and in every such Case the said Trustees shall, and they are empowered and required to issue their Precept under their Hands and Seals, directed to the Sheriff of the said County of *Gloucester*, thereby requiring him to impannel, summon, and return a Jury, and such Sheriff is hereby required accordingly to impannel, summon, and return a Jury of Twelve honest and indifferent Men qualified according to the Laws of this Realm to be returned for the Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff at such Time and Place as in such Precept shall be appointed, such Time not being less than Ten or more than Fourteen Days after such Precept shall be served upon the Sheriff, and Ten Days Notice at the least in Writing under the Hands of the said Trustees, is hereby required to be given to the Owners, Proprietors, Occupiers, Corporations, Trustees, or any other Person or Persons as aforesaid interested in any such Lands, Tenements, or Hereditaments, or to be left at the respective Dwelling-Houses or Places of Abode of such Person or Persons, or the head Officer or Officers of such Corporation, or at the House of the Tenant in Possession of such Lands, Tenements, or Hereditaments of the Time and Place of the said Jury being so impannelled, summoned, and returned; and the said Sheriff is hereby required, out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, to swear or cause to be sworn Twelve who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriff shall return other honest, sufficient, and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, (being qualified as last aforesaid), to make up the said Jury to the Number of Twelve, and it shall be lawful for all Persons concerned, by themselves, their Counsel, and Solicitors, to attend and be heard, and to adduce Evidence before the said Sheriff; and such Persons shall also have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Sheriff is hereby empowered and required by a Summons or Notice to be signed by him, either previous to or at the Time of any such Meeting or Meetings, to call before him all and every Person or Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses upon Oath, touching or concerning the Premises; and the said Sheriff may order and authorize the said Jury or any Six or more of them to view the Place or Places or Premises in Question, if there be occasion, and to use all other Ways and Means, as well for his own as for the Jury's better Information in the Premises, as the Sheriff shall think fit, which Jury, upon their Oaths, (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff is hereby empowered and required to administer), shall enquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands, Tenements, or Hereditaments, or what Damages will be sustained by, and what Recompence and Satisfaction shall be made

made to such Owners, Occupiers, or other Person or Persons interested for or on account of the Erection of the said Bridge, or the taking such Lands, Tenements, or Hereditaments, for the Purposes of this Act, or of turning any Part or Parts of the said Roads or Accesses to the said Bridge into, over or through the same Lands, Tenements, or Hereditaments, and shall assess separate Damages for the same; and after the said Jury shall have enquired of, ascertained, and settled such Damages, Recompence, and Satisfaction, the said Sheriff shall thereupon order the Sum or Sums of Money so assessed by the said Jury, to be paid by the said Trustees to the Owners or Occupiers of or other Person or Persons interested in the said Lands, Tenements, or Hereditaments, according to such Verdict or Inquisition of the said Jury, and give Judgment for such Purchase Monies, Recompence, or Satisfaction to be assessed by such Jury, which said Verdict or Inquisition, Order and Judgment thereon pronounced as aforesaid, shall be signed by the said Sheriff, and shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming any Estate in Fee-simple, or Fee Tail, for Life or Lives, in Possession, Reversion, Remainder, Expectancy, or otherwise, their Heirs, Successors, Executors, and Administrators, Infants, Issue unborn, Femes Covert, Persons beyond the Seas, and under any other Disability whatsoever, Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, as well as other Persons whomsoever, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at *Westminster*, or any other Court, any Law or Statute to the contrary thereof notwithstanding.

Persons requesting Juries to enter into Bonds.

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

Compelling Sheriffs to summon a Jury.

XXVI. And be it further enacted, That if any Sheriff or Sheriffs shall make Default in the Premises, they shall for every such Offence forfeit and pay the Sum of Ten Pounds, to be recovered by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, by the said Trustees, or by such other Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, or other Person or Persons interested in the Matter in Question; and if any Person so impannelled, summoned, and returned as aforesaid upon such

such Jury, shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give his Verdict, or shall in any other Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act, and if any Person or Persons summoned to give Evidence before the said Jury touching the Premises shall neglect or refuse to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, or shall not allege a sufficient Excuse to the said Sheriff for not appearing, or appearing shall refuse to be sworn and examined or to give Evidence, then and in every such Case, every such Person so offending, upon Proof thereof made before One of His Majesty's Justices of the Peace for the said County of *Gloucester*, upon the Oath of One or more credible Witness or Witnesses, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, according to the Discretion of the said Justice or Justices; and in case any such Penalty shall not be forthwith paid, it shall and may be levied by virtue of any Warrant under the Hand and Seal of the said Justice or Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to such Person the Overplus, after such Penalty and the Charges of such Distress and Sale shall be deducted; and every such Penalty as shall be paid by or recovered from any Person who shall be impannelled, summoned, and returned on such Jury, or to give Evidence as aforesaid, shall go and be paid to the Person or Persons who shall appear to the said Justice or Justices to be injured by the Default of such Persons.

For punishing Persons giving false Evidence.

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

Expences of Juries, by whom to be paid.

XXVIII. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money as a Recompence or Satisfaction for the absolute Sale of any Lands, Tenements, or Hereditaments of or belonging to any Body or Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil; or as a Compensation for any Damages done, or to be done to any Lands, Tenements, or Hereditaments, than had been previously offered by or on behalf of the said Trustees; or where any Verdict shall be found for any Damages when the Dispute is for Damages only, and where no Compensation or a smaller Sum than shall be given by such Verdict, than had been previously offered or tendered in respect thereof, by or on behalf of the said Trustees; or where by reason of Absence in Foreign Countries such Persons shall have been prevented from treating, then and in all such Cases, all the Costs and Expences of impannelling, summoning, and returning such Jury, and taking such Verdict, shall be borne and paid by the Treasurer to the said Trustees, out of any Money

Money which shall then be in his Hands, or out of any Monies to be received by virtue of this Act; such Costs and Expences to be settled and ascertained by some Justice of the Peace for the County or Place where the Dispute shall have arisen, not interested in the Matter in Question, who is hereby authorized and impowered to settle and determine the same, and to make an Order on the Treasurer of the said Trustees for the Payment thereof; but if any Verdict as aforesaid be given for the same Sum as had been previously offered by or on behalf of the said Trustees, or for a less Sum than had been so previously offered, then and in all such Cases, the Costs and Expences of impannelling, summoning, and returning such Jury, and taking such Verdict, shall be settled in like Manner by the Sheriff so impannelling, summoning, and returning such Jury, and taking such Verdict, and be borne and paid by the Body or Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, or other Person or Persons with whom the said Trustees shall have such Disputes or Controversies, which said Costs and Expences having been so settled shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Body or Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, or other Person or Persons as aforesaid, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums of Money so assessed and adjudged, or otherwise such Costs and Expences, after having been so ascertained and settled as aforesaid, shall and may be recovered by the said Trustees by such Ways and Means as are herein provided for the Recovery of any Penalty or Forfeiture to be incurred under this Act.

Upon Payment of Purchase Money, Trustees to enter.

XXIX. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed between the Parties, or assessed by such Juries in Manner aforesaid, for the Purchase of any such Lands, Tenements or Hereditaments, or a Compensation for Damages as hereinbefore mentioned, to the Proprietor or Proprietors of such Lands, Tenements or Hereditaments, or to such other Person or Persons as shall be interested therein or entitled to receive such Purchase Money or Compensation respectively, or to his, her, or their Agent or Agents, or depositing the same in the Bank of *England*, in Manner by this Act directed, as the Case may be, it shall be lawful for the said Trustees and their Agents, Workmen, and Servants immediately to enter upon such Lands, Tenements, or Hereditaments respectively, and then and thereupon such Lands, Tenements, or Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Trustees for the Purposes of this Act for ever; and such Tender, Payment, or Deposit shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion, Remainder, Expectancy or otherwise to his, her, or their Issue, and of all and

every

every other Person and Persons interested therein, provided nevertheless that before such Payment, Investment, or Deposit made or given as aforesaid shall be made, it shall not be lawful to or for the said Trustees, or any Person or Persons acting under or by virtue of their authority, to dig or cut or otherwise affect any Lands, Tenements, or Hereditaments of the Person or Persons entitled to such Payment, for the Purpose of erecting the said Bridge, or of making or constructing any of the Roads or Avennes to or from the same or any of the Works thereunto belonging, without the Leave and Consent of such Person or Persons respectively.

Verdicts of Juries to be recorded.

XXX. And be it further enacted, That the said Judgments and Verdicts so given shall be transmitted to and be kept by the Clerk of the Peace or other Person or Persons having the Custody of the Records of the Quarter Sessions of the Peace of the said County of *Gloucester*, and shall be deposited with and deemed to be Records of such Quarter Sessions 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, or to have Copies thereof, paying for every Copy the Sum of Sixpence for every Seventy-two Words, and so on in proportion for any greater or less Number of Words.

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

XXXI. And be it further enacted, That all Sum and Sums of Money which are to be paid to any Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees acting as Guardians, Committees, or other Trustees for or on behalf of any Lunatics, Idiots, Feme Coverts, or other Cestuique Trusts, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any Disability or Incapacity whatsoever, for the Purchase of, or the Damages to be done or occasioned to any such Lands, Tenements, or Hereditaments, by virtue or in consequence of the Powers in this Act contained, shall in case the same shall amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, exparte the Trustees under this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments in the Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Charge or Incumbrance, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting any Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and

and settled to, for, and upon such Uses, Trusts, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken and used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect, and in the Meantime and until such Purchase shall be made the said Money shall by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities, and in the Meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by the Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so hereby directed to be purchased in case such Purchase and Settlement were made.

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

XXXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, or on Account of any Damage to be done or occasioned to any such Lands, Tenements, or Hereditaments as hereinbefore mentioned, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall at the Option of the Person or Persons for the Time being, entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, used, or injured, in respect whereof the same shall be paid, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, Trustee or Trustees, Receiver or Receivers, or other Person or Persons acting as such as aforesaid, to be signified in Writing under their respective Hands, to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by the Trustees under this Act, (such Nomination and Approbation to be signified under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in the Manner hereinbefore directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application when Money is less than 20*l.*

XXXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last above-mentioned shall be less than Twenty Pounds, then and in all such Cases, the same shall be applied to the Use of such Person or Persons who would for the Time being have been entitled to the Rent and Profits of the Lands, Tene-

Tenements, or Hereditaments in respect whereof the same shall be paid in such Manner as the said Trustees shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such, to and for the Use and Benefit of such Person or Persons so entitled respectively; and the Receipt or Receipts of the Person or Persons to whom the said Trustees shall direct the same to be paid, shall be sufficient Discharges for the same.

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

XXXIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of the said Ferry, or 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 not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons entitled to such Ferry, Lands, Tenements, or Hereditaments be not known or discovered, then and in such Case it shall and may be lawful to and for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof by Motion or Petition, shall be and is hereby empowered in a summary Way of proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the public Funds, or to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is or are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay such Sum or Sums of Money into the Bank of *England* as aforesaid.

Where any Question shall arise as to the Title to Money, the Person who shall be in Possession of the Lands, &c. to be deemed entitled thereto.

XXXV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery in pursuance of this Act, for the Purchase of the said Ferry, or any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest therein, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Ferry, Lands, Tenements, or Hereditaments, in respect whereof such Money shall have been so paid at the Time of passing this Act, and all Persons claiming under such Person

Person or Persons shall be deemed and taken to have been lawfully entitled to such Ferry, Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, or that such Person or Persons was or were lawfully entitled to such Ferry, Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XXXVI. Provided also, and be it enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to such Ferry or to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, or to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Tenants to deliver Possession at Six Months Notice.

XXXVII. And be it further enacted, That every Tenant of any Lands, Tenements, or Hereditaments, to be purchased for the Purposes of this Act, shall deliver up Possession of the same to the said Trustees, or to such Person or Persons as they shall appoint to take Possession thereof, upon receiving Six Calendar Months Notice to quit such Possession from the Clerk to the said Trustees, or from the Person or Persons so authorised by them to take such Possession; and such Person or Persons in Possession shall, at the End of the said Six Calendar Months, whether such Notice be given with reference to the Time or Times of such Tenant's Holding or not, or so soon after as he, she, or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Trustees, or the Person or Persons authorized by them to take Possession thereof, (such Authority being signified under the Hands of the said Trustees): Provided always, that the said Trustees shall make such Recompence and Satisfaction to the said Tenants or Occupiers as the said Trustees shall think just and reasonable; and in case of any Dispute concerning the same, such Recompence and Satisfaction shall be settled and ascertained in such and the like Manner as the Recompence and Satisfaction to be made by the said Trustees for the Purchase of Lands, Tenements, or Hereditaments for the Purposes of this Act are herein directed to be ascertained and settled; and in case any such Person or Persons so in Possession as aforesaid shall refuse to give such Possession as aforesaid, (all such reasonable Satisfaction being first made or tendered), it shall be lawful for the said Trustees to issue their Precept or Precepts to the Sheriff of the said County of *Gloucester* to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or

Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid by Distress and Sale of his, her, or their Goods.

Power to get Materials.

XXXVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint to search for, dig, get, gather, take, and carry away any Furze, Heath, Gravel, Chalk, Sand, Stones, Ballast, or other Materials for building or repairing the said Bridge, or making or repairing the Way over the same, or the said Roads or Buildings, rebuilding or repairing any Toll House or Toll Houses, on or by the Sides thereof, out of any River or Brook, or out of or from any Waste or Common in any Parish, Hamlet, or Place in which any Part of the said Roads lie, or in any adjoining Parish, Hamlet, or Place, making a reasonable Satisfaction for the same, to the Owner or Owners of the Soil from whence the same shall be taken, and to haul and carry away any such Materials when got over any Common or Waste Lands, and without being deemed a Trespasser or Trespassers, the said Surveyor or Surveyors or other Person or Persons filling up the Pits or Quarries, levelling the Grounds, or sloping down the Bank wherefrom such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying or tendering for the Damage done by going through or over any inclosed Lands or Grounds for or with such Materials, such Damages to be ascertained as herinafter mentioned; and also, that it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any such Materials in or out of the Land of any Person or Persons where the same may be had or found in any Parish, Hamlet, or Place in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Hamlet, or Place, (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 for such Materials and for the Damage done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away or over which the same shall be carried, as the said Trustees shall judge reasonable; and also to land on and carry through or over any inclosed Lands or Grounds, (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House), or on, through, or over any open Land or Common, any Stone or other Materials for building or repairing the said Bridge, or making or repairing the said Roads, or for building or repairing any Toll House or Toll Houses on or by the Sides thereof, from any River, Stream, or Canal in any Parish, Hamlet, or Place in which the said Roads lie, or in any adjoining Parish, Hamlet, or Place, paying or tendering for the Damage done in landing on or going through or over any inclosed Lands or Grounds for or with such Materials, such Sum or Sums of Money as the said Trustees shall judge reasonable; and in case of any Dif-

Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County, Liberty, or Place wherein the Place from whence such Materials shall have been taken shall be situate, on Ten Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages, and the Costs attending the hearing and determining the same.

Notice to be given before Materials taken from private Lands.

XXXIX. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or any other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for the Purposes aforesaid, out of or from any inclosed Land or Ground, until Notice in Writing signed by the Surveyor shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his or her known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two or more Justices of the Peace acting in and for the County, Liberty, or Place where the Lands from whence such Materials are intended to be taken shall lie, to shew Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer) make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his or her Agent had attended.

Embankments may be made on the Sides of the Roads.

XL. And be it further enacted, That in order to ensure the said Roads from the effect of Floods it shall be lawful for the said Trustees to take so much of the Land immediately adjoining the same as may be necessary for the raising the said Roads by Mounds and Embankments above the present Level of the Lands, across which some Part of the said Roads now pass and other Parts are intended to pass, subject to the Provisions hereinafter contained; and also for that Purpose to dig Ditches by the Sides of the said Roads for the Purpose of using the Materials and Soil taken from the said Ditches in making the Mounds or Embankments for the said Roads, and also for the Purpose of preventing any Damage or Injury to the Lands or Grounds above the said Mounds or Embankments by Floods, and for carrying off Floods, and conducting the same to such Arches or Culverts as may be made and constructed for conveying off the Water.

Restrictions respecting Causeways between Severn and Apperley Hill.

XLI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, under any Pretence to cause any Causeway, Road, or Embankment, between the River *Severn*, and *Apperley Hill* on the East Side of the said River, and between the said River and *Tirley Pitch*, on the West Side of the said River, to be raised or formed above the present Level of the Bank on each Side of the said River, contiguous to the Place where the said Bridge shall be erected, unless over the proposed Culverts and Arches, and upon the Approaches to such Culverts and Arches: and that in all Cases where any Causeway, Road, or Embankment shall be raised above the Level of the present Road, at any Place between *Apperley Hill* and *Tirley Pitch* aforesaid, the same shall, so far as the same can in any respect affect the Passage of the Water, be raised to the Satisfaction of *Thomas Telford* of *Abingdon* Street in the City of *Westminster*, Civil Engineer, or in case of his Death or declining to interfere therewith, then to the Satisfaction of *Hugh Mac Intosh* of *Bloomsbury Square*, Civil Engineer, which said *Thomas Telford* and *Hugh Mac Intosh* are respectively nominated and approved as Engineers on behalf of the Owners and Occupiers of Land lying contiguous to the Rivers *Severn* and *Avon*: And that all such Arches, Culverts, Openings, Floodgates, Ditches, Drains, and Watercourses, in or adjoining to the Causeways, Roads, or Embankments to be formed and erected under the powers of this Act, and in adjoining or leading to the Banks of the River *Severn* aforesaid, as by the said *Thomas Telford* or *Hugh Mac Intosh* shall be required as expedient and proper for ensuring the free Passage of the Waters by which the Lands on the Banks of the Rivers *Severn* and *Avon* are liable to be inundated, shall be made and formed by the said Trustees, to the entire Appobation of the said *Thomas Telford* or the said *Hugh Mac Intosh* as the Case may be; and all Costs, Charges, and Expences incident to or attending the making and forming such Works, and the maintaining and keeping the same in Repair, and also the Compensation to be paid to the said *Thomas Telford* and *Hugh Mac Intosh* respectively, for their Trouble therein, shall be wholly defrayed and paid by the said Trustees, and shall be deemed Part of the Costs and Charges of carrying this Act into Execution: Provided, that nothing herein contained shall extend to authorize or empower the said *Thomas Telford* or *Hugh Mac Intosh* to prevent the said Trustees from raising any of the said Causeways, Roads, or Embankments, to the Level hereinbefore mentioned, in case they shall chuse so to do; nor shall the said *Thomas Telford* or *Hugh Mac Intosh* be empowered to cause any of the present Causeways or Embankments near or adjoining to the said River *Severn*, above the Place where the said Bridge shall be erected, to be removed.

Additional Arches, Culverts, &c. to be made in order to keep the Water within the Embankments.

XLII. Provided also, and be it further enacted, That if it shall at any Time hereafter appear that such Measures and Precautions are ineffectual or insufficient, and that by means or in consequence of the damming up or obstructing of Floods by such Causeways, Roads, and Embankments, or any of them, the Waters for the whole Distance of One hundred Yards above such Causeways, Roads, and Embankments shall be raised and kept up to a Level of Four Inches higher than the

the Level of the Waters below such Causeways, Roads, and Embankments, or any of them, then and in every such Case, and when and so often as such Effect shall be proved to have been produced otherwise than by any sudden or unavoidable Cause, or by Means of the Removal of any ancient Causeways or Embankments above the said Bridge and Causeways hereby authorized to be made, the said Trustees shall and are hereby required, as soon as may be, out of the Monies to be raised by virtue of this Act, to cause such additional Arches, Culverts, Openings, Flood-gates, Ditches, Drains, and Watercourses, to be erected, made, cut, formed, and maintained in and about the said Causeways, Roads, and Embankments, and in and about the Banks of the River *Severn*, as shall be fully sufficient to ensure the Passage of all such Waters and Floods, with as little Obstruction as possible, and to preserve the Level of the Waters above the said Causeways, Roads, and Embankments at any One Point within the Distance of One hundred Yards thereof, within Four Inches of the Level of the Waters, at any One Point within One hundred Yards below the same.

Power to contract for Land to get Materials.

XLIII. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees to contract and agree with any Person or Persons whomsoever, for the Purchase or Demise from him, her, or them of and to hold any Land or Ground for the Purpose of digging Stones, Gravel, and Materials therefrom, for the Repair or Use of the said Bridge and Roads, or any Embankments necessary for the same; and at any Time afterwards to sell the Land or Ground so purchased by public Auction or Tender: Provided always nevertheless, that the entering into any such Contract or Agreement as last aforesaid shall not be compulsory on any Person or Persons unwilling to enter into the same.

Penalty on taking away Materials raised by Surveyors.

XLIV. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall be dug, gotten, or gathered for the Use of the said Bridge and Roads as aforesaid, or shall raise or carry away any Materials out of or otherwise interfere with or obstruct the working of any Pit which shall have been made or opened for the Purpose of getting Materials for any of the Purposes of this Act, before the said Surveyors or their Workmen shall have discontinued working therein, for the Space of Three Calendar Months (except the Owner or Occupier of the Land in which such Pit shall be made, as to Materials for his own private Use only, and not for or on Sale); every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Materials may be brought and worked on Waste Lands without Satisfaction, and on private Lands, with Satisfaction for Injury done.

XLV. And be it further enacted, That it shall be lawful for the said Trustees and their Agents, Workmen and Servants, from Time to Time and at all Times at their Will and Pleasure to bring, place, lay, work, and use any Timber, Stone, Brick, Lime, or other Materials for building and erecting and for repairing or rebuilding the said Bridge, or to bring, place, or lay any Stones, Gravel, or other Materials for making, repairing, or amending the said Roads or either of them, or for executing any other of the Purposes of this Act, in, upon, through, and over any Common or Waste Grounds within

within One hundred Yards of the said Bridge or Roads respectively without making any Recompence for so doing, and also in, upon, through and over any private Lands or Grounds within One hundred Yards of the said Bridge or Roads respectively, doing as little Damage as may be, and making Satisfaction for such Damage to the Owners and Occupiers of such Lands or Grounds; and that in case of Dispute about the Quantum of Damage and Satisfaction the same shall be settled by any Two or more Justices of the Peace for the County wherein the Damage shall be done, and such Justices are hereby authorized and empowered to hear, settle, and determine the same accordingly.

Trustees may contract for building, &c. the Bridge and making the Roads.

XLVI. And be it further enacted, That the said Trustees, or such Person or Persons as the said Trustees shall for that Purpose authorize or appoint, is and are hereby empowered to contract with any Person or Persons for building, making, repairing, raising, widening, or altering the said Bridge and Roads, or any or either of them, in such Manner and for such Sum or Sums of Money as the said Trustees or the said Person or Persons so to be authorized or appointed as aforesaid shall think proper; and all Contracts in Writing entered into pursuant to any Order made at any Meeting of the said Trustees shall be binding on all Parties who shall sign the same, his, her, or their Executors and Administrators, and Actions and Suits may be maintained thereon, and Damages recovered against the Parties failing in the Execution thereof.

Bridge and Roads vested in the Trustees.

XLVII. And be it further enacted, That the Right and Property of and in the said Bridge and Roads, and of and in all Toll Houses, Gates and Bars, and all Posts, Rails and Fences to be erected, set up, and provided in or upon the said Bridge or Roads, or any of them under and by virtue of this Act, and of the Materials which shall be from Time to Time gotten or provided for erecting, building, making, maintaining, widening, raising, and repairing the same, and all other Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be, and the same are hereby respectively vested in the said Trustees and their Successors; and they are hereby empowered and authorized to bring or cause to be brought any Action or Actions, and to prefer and prosecute one or more Indictment or Indictments against any Person or Persons who shall steal, take, carry away, or damage the same or any of them or any Part thereof, or disturb them in the Possession thereof; and in such Actions and Bills of Indictment respectively it shall be sufficient to state generally, that the Article or Articles, Thing or Things, for or concerning which such Action or Actions shall be brought, or Bill or Bills of Indictment be preferred, is or are the Property of the Trustees for building a Bridge across the River *Severn*, at or near the *Haw Passage* in the County of *Gloucester*, and for making convenient Avenues thereto without particularly naming or specifying the Name or Names of all or any of the said Trustees.

For punishing Persons wilfully da-

XLVIII. And be it further enacted, That if any Person shall wilfully or maliciously pull down, destroy, or damage the said Bridge or any Part thereof, or any Toll House, or Gate, to be erected by virtue of

of this Act, every Person so offending, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court by and before whom any such Person shall be tried shall and have hereby Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or, in Mitigation of such Punishment, such Court may, if they think fit, award such Sentence as the Law directs in Cases of Felony: Provided nevertheless, that no Person or Persons who is or are the Owner or Owners of any Ship, Vessel, or Craft navigating the said River *Severn*, nor any Person or Persons employed in the same shall be liable to any Action or Prosecution at Law for any Damage that may accidentally happen to the said Bridge by running against the same, unless it shall appear that such Damage was done wilfully and maliciously, any Thing in this Act contained to the contrary notwithstanding.

maging the Bridge.

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

The Bridge not to be rated, and not to be deemed a County Bridge.

L. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered to erect or cause to be erected a Toll Gate upon or near the said intended Bridge, and a Toll Gate or Toll Gates in, upon, or across such Part or Parts of the said Roads as they shall from Time to Time deem expedient and proper, and such and so many Toll Gates on the Sides of the said Roads as they shall deem necessary, and also shall and may provide a Toll House with suitable Buildings, a Garden and other Conveniences, not exceeding One-eighth Part of a Statute Acre, at or near each of the said Toll Gates.

A Toll Gate to be erected on the Road.

LI. And in order to enable the said Trustees to carry this Act into Execution, be it enacted, That as soon as the said Bridge shall be made fit for the Passage of Carriages, Horses, Cattle, and Foot Passengers, it shall and may be lawful for the said Trustees, or the Collector to be appointed by them as aforesaid, from Time to Time and at all Times hereafter to demand, collect, and receive, before any Person on Foot, or any Horse, Cattle, or Carriage, shall be permitted to pass over the said Bridge, such Tolls as the said Trustees shall from Time to Time think proper, not exceeding the respective Sums following; that is to say,

Tolls at the Bridge.

For every Coach, Chariot, Chaise, Hearse, or other such like Carriage with Four Wheels, One Shilling; and for every Horse or other Beast drawing the same, Sixpence:

For every Chaise, Chair, or other such like Carriage with Two Wheels, Sixpence; and for every Horse or other Beast drawing the same, Sixpence:

For every Waggon, Wain, or Dray, or other such like Carriage with Four Wheels, One Shilling; and for every Horse or other Beast drawing the same, Sixpence:

For every Cart, Dray, or other such like Carriage with Two Wheels, Sixpence; and for every Horse or other Beast drawing the same, Sixpence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, Two-pence:

For every Score of Oxen, Cows or Neat Cattle, One Shilling and Eight-pence; and so in proportion for any greater or less Number:

For every Score of Calves, Hogs, Sheep, or Lambs, Ten-pence; and so in proportion for any greater or less Number:

And for every Foot Passenger, One Penny.

Tolls at the Toll Gates on the Road.

LII. And be it further enacted, That it shall and may be lawful for the said Trustees, or the Collector to be appointed by them as aforesaid, to demand and take at the Toll Gate or Toll Gates to be erected by virtue of this Act upon any other Part of the said Roads, before any Horse, Cattle, or Carriage shall be permitted to pass through any such last-mentioned Toll Gate, such Tolls as the said Trustees shall from Time to Time think proper, not exceeding the respective Sums following: that is to say,

For every Coach, Chariot, Chaise, Hearse, or other such like Carriage with Four Wheels, Sixpence; and for every Horse or other Beast drawing the same, Three-pence:

For every Chaise, Chair, Gig, or other such like Carriage with Two Wheels, Three-pence; and for every Horse drawing the same, Three-pence:

For every Waggon, Wain, or Dray, or other such like Carriage with Four Wheels, Three-pence; and for every Horse or other Beast drawing the same, Sixpence:

For every Cart, Dray, or other such like Carriage with Two Wheels, Two-pence; and for every Horse or other Beast drawing the same, Sixpence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, Two-pence:

For every Score of Oxen, Cows, or Neat Cattle, One Shilling; and so in proportion for any greater or less Number:

For every Score of Calves, Hogs, Sheep, or Lambs, Sixpence; and so in proportion for any greater or less Number.

Carriages and Cattle may pass and return over the Bridge on the same Day for One Toll.

LIII. Provided always, and be it further enacted, That every Coach, Chariot, Hearse, Chaise, Chair, Waggon, Wain, Cart and other Carriages whatsoever, and the Horses and other Beasts drawing such Carriages respectively, and also all and every Horse, Mule, and Ass, laden or unladen, and not drawing, and also all Oxen, Cows, and Neat Cattle, Calves, Hogs, Sheep, and Lambs, for which the Tolls hereby granted shall have been paid at the said Bridge, shall be allowed to pass over the said Bridge, and return once on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night, without being chargeable with the Payment of more than One Toll at the said Bridge, the respective Persons atending such Carriages, Horses or other Beasts or Cattle as aforesaid, producing a Ticket denoting such Payment; which Ticket the Collector of the said Tolls at the said Bridge is hereby required to

to give *gratis* on Receipt of the Toll; but that all Foot Passengers shall be subject and liable to the Payment of Toll for every Time they shall pass or return over the said Bridge.

Foot Passengers to pay every Time of passing.

LIV. Provided also, and be it further enacted, That the several Tolls hereby granted and made payable for Horses, Beasts, and Cattle passing along or over the said Roads, hereby authorized to be made, shall be demandable only once a Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, for or in respect of the same Horses, Beasts, or Cattle, but that after such Tolls shall have been once paid, the Horses, Beasts, or Cattle, in respect of which such Toll shall have been paid, shall be allowed to pass and repass along the whole of the said Roads as often as there shall be Occasion during the same Day, the Person or Persons attending such Horses, Beasts, or Cattle, producing a Ticket denoting such Payment, which Ticket every Collector of the Tolls on the said Roads is hereby required to give *gratis* on receipt of the Toll.

Toll to be paid only once a Day for travelling on the Road.

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

Stage Coaches to pay each Time of passing.

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

To enforce Payment of Tolls.

LVII. And be it further enacted, That the said Trustees shall, and they are hereby required to put up or cause to be put up and afterwards to be continued at every Toll Gate on the said Roads, a Table painted

Table of Tolls to be affixed at Turnpikes.

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

For preventing Toll Collectors from taking any undue Tolls.

LVIII. And be it further enacted, That all and every Toll Collector being Lessee of the said Tolls, or appointed either by the said Trustees, or by any such Lessee or Lessees to collect the Tolls by this Act granted, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters in the Front or some other conspicuous Part of the Toll House or Toll Gate immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and every such Collector shall place or cause to be placed on the Front of the Toll House or Toll Houses at which such Collector shall be stationed, the Board herein directed to be provided by the Trustees, containing the usual Name of the Turnpike Gates where the Board shall be affixed, and also the List of the Tolls payable at such Gate and of the several Gates cleared by the Payment of Toll at the Gate where such Collector shall be stationed as aforesaid; and if any Collector of the said Tolls shall not place such Boards respectively as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Boards respectively, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them, or shall in Answer to such Demand give a false Name or Names, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee, Treasurer, Clerk,

Clerk, Surveyor or other Officer, or any Passenger or Passengers, then and in every such Case, every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, to be recovered and applied as hereinafter mentioned.

Disputes concerning Toll may be settled by a Justice.

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

Toll Bar Keepers not to be deemed incompetent Witnesses.

LX. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being so appointed or interested under such Appointment, or being paid to collect the Tolls, or acting or being paid to act under the Authority of the said Trustees.

Royal Family exempted.

LXI. Provided always, and be it enacted, That this Act shall not extend or be construed to extend to charge with Toll any Horses or Carriages attending His Majesty or any of the Royal Family or returning therefrom.

General Exemption from Tolls.

LXII. Provided always, and be it further enacted, That no Toll whatsoever shall be demanded or taken for any Horse, Beast, Cattle, or Carriage of whatsoever Description employed or to be employed in conveying, fetching, or guarding any Mails of Letters and Expresses under the Authority of His Majesty's Postmasters General, either when employed in conveying such Mails or Expresses, or in returning back from conveying or guarding the same, or for any Soldiers upon their March or upon Duty, or for any Horse, Beast, Cattle, or Carriages attending them with their Arms and Baggage, or returning after having been so employed, or for any Waggon, Wain, Cart, or other

other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty or for the Use of His Majesty's Forces, or for any Horse, Beast, Cattle, or Carriage travelling with Vagrants sent by legal Passes, or any Prisoner sent by any legal Warrant, or returning empty after having been so employed, or for any Volunteers upon their March or upon Duty, or in going to or returning from the Place appointed for and on the Days of Exercise, or for any Horse, Mare, or Gelding furnished by or for or belonging to any Corps of Yeomanry or Volunteer Cavalry and rode by them in going to or returning from the Place appointed for and on the Days of Exercise; provided always, that such Persons be dressed in the Uniforms of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; or for any Coach, Berlin, Landau, Chariot, Calash, Chair, or other Carriage, or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Gloucester*, on the Day or Days of such Election, or on the Day before or the Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted from the Whole or any Part of the several Tolls hereby authorized to be taken, not being entitled to the same, such Person or Persons for every such Offence shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Owners or Drivers of Waggons employed in the Service of His Majesty's Forces not to be subject to Penalties for Overweight.

LXIII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of his Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Post Horses having passed through any Gate may return Toll-free before Nine in the Morning of the following Day.

LXIV. And be it further enacted, That all Horses travelling for Hire, under the Post Horse Duties Act, having passed through any Turnpike Gate on the said Bridge or Roads drawing any Carriage, in respect of which any Toll shall have been paid, on returning through the Turnpike Gate at which the Toll shall have been paid, and the other Gates (if any) cleared by such Payment, either without such Carriage or drawing such Carriage, the same being empty and without a Ticket denoting a fresh Hiring, shall be permitted to repass Toll-free, although such Horses or Carriage shall not have passed through

through such Turnpike Gate on the same Day, provided that such Horses so travelling shall return before Nine of the Clock of the Morning succeeding the Day on which they first passed the Turnpike Gate at which the Toll shall have been paid.

Penalty on evading Tolls.

LXV. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage, through or over any Gate, private Passage, Land, Ground, or Place lying by the Side of or near to any Part of the said Roads, (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family Servant or Servants), or if any Person or Persons owning or occupying any Land, Ground, or Place situate as aforesaid, and the same not being a public Highway or Road to or from some Parish Church, Mill, Market Town, or Village, shall knowingly or wilfully permit or suffer any Person or Persons not being of his, her, or their Family or his, her, or their Servant or Servants, to go or pass with any Horse, Beast, Cattle, or Carriage, through or over such Gate, private Passage, Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the said Tolls or any of them, or any Part thereof; or if any Person or Persons shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons (except a Collector of the Tolls) any Note or Ticket of the Day by this Act directed to be given by the Collectors or Receivers of the said Tolls, or any Note or Writing purporting to be such for the Purpose of evading the said Tolls or any of them, or shall forcibly or fraudulently pass through any Turnpike or Toll Gate with any Horse, Carriage, Cattle, or Beast without Payment of Toll, or shall take off or cause to be taken off any Horse, Beast, or Cattle from any Carriage, or after having passed through any Turnpike or Gate shall put on an additional Horse or Beast to any such Carriage, or shall leave or cause to be left upon or near to the said Roads any Horse, Cattle, Beast, or Carriage, or shall unload or cause to be unladen any Goods, Merchandize, or other Things from or out of any Carriage, with Intent to evade Payment of any of the said Tolls, all and every such Person or Persons so offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and besides such Damages or Punishment as he, she, or they shall be otherwise liable to by Law.

No Ferry to be used within a certain Distance of the Bridge.

LXVI. And be it further enacted, That from and after the said Bridge shall have been made passable and opened for Carriages, Horses, and Passengers, no Ferry shall be set up or used by any Person or Persons across the said River within the ancient Limits of the present Ferry called the *Haw Passage*; and if any Person or Persons (except the said Trustees or other Person or Persons acting under their Authority) shall use any Boat, Barge, or other Vessel in ferrying or conveying any Carriages or Cattle, or Person or Persons, Goods, Wares, or Merchandize, or other Things for Hire across the said River within the Distance aforesaid, not being the Owner or Owners, Occupier or Occupiers of the Land on each Side of the said River where such Boat, Barge, or other Vessel shall be used, every Person or Persons so

so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Ferry to be provided in case the Bridge shall become impassable.

LXVII. Provided always, and be it further enacted, That in case the said Bridge shall, at any Time after the same has been opened for public Use and Tolls taken for passing over the same, become impassable or unsafe for Travellers and Carriages, it shall be lawful for the said Trustees and they are hereby required, during all such Time as the said Bridge and Roads shall be impassable or unsafe as aforesaid, to provide a proper and convenient Ferry for the Passage of Carriages, Cattle, Horses, and Foot Passengers over the said River, as near to the said Bridge as conveniently may be; and it shall be lawful for the Collector of the Tolls to be appointed by virtue of this Act to demand, collect, and receive for the Passage of such Carriages, Cattle, Horses, and Foot Passengers over the said Ferry, before the same shall be permitted to pass, the like Tolls as shall for the Time being be payable for passing over the said Bridge.

Power for Trustees to let the Tolls.

LXVIII. And be it further enacted, That it shall and may be lawful for the said Trustees, at a public Meeting, to let to farm the Tolls of the several Gates erected upon the said Bridge or Roads in the Manner hereinafter mentioned, (that is to say), the said Trustees shall cause Notice to be given of the Time and Place for letting the same, at least one Month before the Day to be appointed for that Purpose, by affixing the same upon every Toll Gate upon the said Bridge and Roads, and also by Insertion thereof in some public Newspapers circulated in the said County of *Gloucester*, and specifying in every such Notice the Sum which the said Tolls produced in the preceding Year, clear of the Salary for collecting the same in case any hired Collector was appointed, and that they will let such Tolls by Auction to the best Bidder on his producing sufficient Sureties for Payment of the Money monthly or otherwise, (as in such Notice shall be specified), and that they will be put up at the Sum which they were let for or produced in the preceding Year, clear of the Salary of the Collector, and to prevent Fraud or any undue Preference in the letting thereof, the said Trustees are hereby required to provide a Glass with as much Sand in it as will run from one end of it to the other in One Minute, which Glass, at the Time of letting such Tolls, shall be set upon a Table, and immediately after every bidding the Glass shall be turned, and as soon as the Sand is run out it shall be turned again, and so for Three Times, unless some other bidding intervenes, and if no other Person shall bid until the Sand shall have run through the Glass Three Times, the last Bidder shall be the Farmer or Renter of the said Tolls and shall forthwith enter into a proper Agreement for the taking thereof and paying the Money at the Times specified in such Notice, with such Surety or Sureties for Payment thereof and under such Conditions and in such Manner as the said Trustees shall think fit, and if the Person being the last Bidder shall not forthwith enter into such Agreement, it shall and may be lawful to put up the said Tolls again immediately for another Bidder, and in like Manner to continue putting up the same until a Bidder shall be found who shall enter into such Agreement, and in case no Bidder shall offer,

or

or in case the same shall not be let at such Auction, it shall be lawful for the said Trustees to accept a private Tender for the same and to demise or let to farm or agree to demise or let to farm all or any of such Tolls at any Sum not less than the Sum at or for which they shall have been last let, or the said Trustees may appoint a Collector of such Tolls or fix some future Day for the letting thereof as they shall judge most proper upon giving such Notice thereof as aforesaid, and shall and may in that case put them up at such Sum as they shall think fit; and if the Person or Persons who shall be the Farmer or Renter or Collector or Collectors of such Tolls shall take a greater or less Toll from any Person or Persons than what is authorized or directed by this Act, he or they shall for every such Offence forfeit the Sum of Five Pounds, and the said Agreement for renting the Tolls shall, if the said Trustees shall think fit to vacate the same, become and be null and void: Provided always, that at all such lettings the said Trustees shall be entitled to bid for the Tolls so to be let, either by themselves or their Clerk or Treasurer, or any other Person by them respectively authorized: Provided also, that no such Tolls shall be demised or leased for any longer Term than Three Years at any One Time.

Power to lessen the Tolls:

But not without Consent of Four-fifths in Value of Contributors and Creditors.

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

Application of the Tolls.

LXX. And be it further enacted, That the Tolls and other Monies to arise by virtue of this Act shall be applied in the first Place to defray the necessary Charges and Expences of obtaining and passing this Act; in the second Place, to build the said Bridge, make the said Roads, erect the Toll Houses, and in other respects to carry this Act into Execution; and in the third Place, to pay and keep down the Interest on any Monies hereby authorized to be subscribed or borrowed, and in the Repayment thereof respectively.

Compelling Payment of Subscription.

LXXI. And be it further enacted, That the several Persons who have subscribed or shall subscribe for the advancing and paying of any Money towards carrying this Act into Execution shall and are hereby required to pay the respective Sums so subscribed to the Treasurer to the said Trustees at such Time and 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 and may 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 of borrowing Money and to demise or mortgage the Tolls.

LXXII. And be it further enacted, That it shall and may 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 Sum or Sums of Money as they shall from Time to Time think fit, and they may and are hereby empowered to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same, (the Costs and Charges of such Mortgages to be paid out of such Tolls), as a Security to any Person or Persons, or their Trustees, who shall advance such Sum or Sums of Money, which Mortgage shall be in the Words or to the Effect following; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the Fourth Year of the Reign of 'His present Majesty King *George* the Fourth, intituled, '[*Here set forth the Title of this Act.*] We whose Hands and Seals are 'hereunto subscribed and set, being of the Trustees 'for executing the said Act in consideration of the Sum of 'to the Treasurer of the said Bridge and Roads, in 'Hand paid by do grant, bargain, sell, and demise unto 'the said Executors, Administrators, and Assigns, 'such Proportion of the Tolls arising by virtue of the said Act, and 'of the Turnpikes and Toll Houses for collecting the same, 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 'in the Year of our Lord during 'the Continuance of this Act, unless the said Sum of 'with Interest at the Rate of *per Centum per An-* '*num*, shall be sooner paid and satisfied. Given under our Hands 'and Seals, this Day of in the Year of our 'Lord .'

Mortgages to be entered in Books, &c.

And Copies of all such Mortgages shall be entered and numbered progressively in a Book or Books to be kept and provided for that Purpose by the Clerk to the said Trustees; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby respectively secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit in and to the said Mortgages or Securities respectively, and the Principal Money and Interest thereby secured to any Person or Persons whomsoever by Indorsement on the Back of such Mortgages and Securities, in the Words or to the Effect following; (that is to say),

'I *A. B.* do transfer this Mortgage with all my Right and Title 'to the Principal Monies thereby secured and all the Interest 'now due or hereafter to grow due upon or in respect thereof unto 'Executors, Administrators, and Assigns. Dated 'this Day of in the Year of our Lord 'Witness, *C. D.* *A. B.*'

Which

Which said Transfer shall be produced and notified to the said Clerk, who shall cause an Entry and Memorial to be made thereof in the before-mentioned Book or Books, containing the Number, Date, Names of the Parties, and Sum of Money therein transferred, for which the said Clerk shall be paid the Sum of Five Shillings and no more, which said Book or Books shall and may at all reasonable Times be perused and inspected without Fee or Reward; and after such Entry made, but not till then, every such Transfer shall entitle such Assignee, his, her, or their Executors, Administrators, and Assigns to the Benefit thereof and Payment thereon, and such Assignee may in like Manner transfer the same again and so *toties quoties*; and it shall not be lawful for any Person or Persons making such Transfer to make void, release, or discharge the original Security, or any Monies due thereon, or any Part thereof; and all Persons who shall be possessed of or entitled to any such Mortgage or other Security as aforesaid shall, in proportion to the Sum or Sums thereby secured, respectively be Creditors on the Tolls by this Act granted and on the said Turnpike and Toll Houses in equal degree one with another, and shall have no Preference in respect to the Priority of advancing their Money or of the Dates of the Securities.

Memorial of Transfer to be registered.

LXXIII. And be it further enacted, That in case the said Trustees shall at any Time be desirous of paying off any Portion of the Principal Monies due and owing on the said Bridge and Roads, it shall and may be lawful for them at any Meeting (Notice of such intended Meeting and of the Purpose thereof being first given at least Ten Days preceding the same by Advertisement in some Newspaper published in the said County of *Gloucester*), if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors the Whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only, or to any of the Creditors with the Consent of all the other Creditors.

Paying Creditors by Lot.

LXXIV. And be it further enacted, That no Door or Gate of any Building, Yard, Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Roads or the Footpaths belonging thereto, or be suffered or continued so to open, except the Hanging-post thereof shall be fixed or placed so far from the Centre of any such Part of the said Roads as that no Part of such Door or Gate shall, when open, project over any Part of the said Roads or any Footpath belonging thereto, and the Occupier or Occupiers of every such Building, Yard, Park, Paddock, Field, or Inclosure having any Door or Gate opening outwards, contrary to the meaning of this Act, shall within Fourteen Days after Notice to him, her, or them given, either personally or in writing from the Surveyor of the said Roads, cause such Door or Gate to be hung so that no Part of the Door or Gate when open shall project over any Part of the said Roads or any Footpath belonging thereto, and in Default thereof, the Surveyor of the said Roads is hereby authorized to cause the Door or Gate to be hung according to the Intention of this Act; and the Person or Persons guilty of such Neglect,

Gates to open inward.

, or

or Default, shall upon Complaint made to any Justice or Justices of the Peace acting in and for the County, Liberty or Place where such Neglect shall happen, and upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Doors or Gates, and shall also forfeit and pay a further Sum of Money not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

For removing and preventing Annoyances.

LXXV. And be it further enacted, That it shall be lawful for the Surveyor of the said Bridge or Roads and such Person as he or they shall appoint to remove and prevent all Annoyances on any Part of such Bridge or Roads by Filth, Dung, Ashes, Rubbish, or any other Matter or Thing whatsoever being laid or thrown upon the said Bridge or Roads, or upon any open Common or Waste Land within Eighty Feet of the Centre thereof, and to dispose of the same for the Benefit of such Bridge and Roads, in case the Owner thereof shall neglect to remove the same within Twelve Hours after Notice in Writing, signed by any Two Trustees or their Surveyor, given to such Owner for that Purpose, or in case the Owner is not known, then after a like Notice affixed for Three Days on the nearest Turnpike Gate; and to turn any Watercourses, Sinks, or Drains running into, along, or out of the said Bridge or Roads, or any Part thereof, to the Prejudice of the same, and to open, scour, and cleanse, any Watercourses or Ditches adjoining to the said Bridge or Roads and make the same as deep and large as he shall think proper and necessary, in case the Owners or Occupiers of the adjoining Lands shall neglect to open, scour, or cleanse such Watercourses or Ditches, after Seven Days Notice in Writing given for that Purpose, and the Charges thereof, and of removing any Annoyances to be settled by any One or more Justices of the Peace of the said County of *Gloucester*, shall be reimbursed to the said Surveyor by such Owners or Occupiers, and the same shall be recovered in such Manner as the Penalties and Forfeitures are hereinafter directed to be recovered; and if, after the Removal of any of the same Annoyances, any Person shall again offend in the like Kind, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Hedges, &c. to be cut.

LXXVI. And be it further enacted, That the Owners and Occupiers of the Land next adjoining to the said Roads shall cut, prune, and trim their Hedges to the Height of Six Feet from the Surface of the Ground; and also cut down, prune, or lop the Branches of Trees, Bushes, and Shrubs growing in or near such Hedges or other Fences adjacent thereto, (such Fences, Trees, Bushes, or Shrubs not being in any Garden, Orchard, Plantation, Walk, or Avenue to a House, nor any Tree, Bush, or Shrub, being an Ornament or Shelter to a House, unless the same shall hang over the Roads, or any Part thereof, in such a Manner as to impede or annoy any Carriage or Person travelling thereon), in such Manner that the said Roads shall not be prejudiced by the Shade thereof, and that the Sun and Wind may not be excluded from such Roads to the Damage thereof; and if

such

such Owner or Occupier shall not, within Ten Days after Notice given by the Surveyor for that Purpose, cut, prune, and trim such Hedges, or cut down, cut, prune, or trim such Branches of Trees, Bushes, and Shrubs in Manner aforesaid, it shall and may be lawful for the said Surveyor, and he is hereby required to make Complaint thereof to some Justice of the Peace for the County of *Gloucester*, who shall summon the Occupier of such Lands before him to answer the said Complaint; and if it shall appear to such Justice that such Occupier has not complied with the Requisites of this Act in that Behalf, it shall and may be lawful for such Justice, upon hearing the Surveyor and Occupier of such Land, or his Agent (or in Default of his or her Appearance upon having due Proof of the Service of such Summons), and considering the Circumstances of the Case, to order such Hedges to be cut, trimmed, and pruned, and such Branches of Trees, Bushes, and Shrubs to be cut down, or pruned, or trimmed in such Manner as may best answer the Purposes aforesaid; and if the Occupier of such Lands shall not obey such Order within Ten Days after it shall have been made, and he or she shall have had due Notice thereof, he or she shall forfeit the Sum of Two Shillings for every Twenty-four Feet in Length of such Hedge which shall be so neglected to be cut, trimmed, and pruned, and the Sum of Two-pence for every Tree, Bush, or Shrub which shall be so directed to be cut down, pruned, or trimmed, and the Surveyor, in case of such Default made by the Occupier, shall and he is hereby required to cut, prune, and trim such Hedges, and to cut down, prune, or trim such Branches of Trees, Bushes, and Shrubs, in the Manner directed by such Order; and such Occupier shall be charged with and pay over and above the said Penalties the Charges and Expences of doing the same, or in Default thereof such Charges and Expences shall be levied, together with the said Forfeitures upon his or her Goods and Chattels by Warrant from a Justice of the Peace in such Manner as is authorized for Forfeitures incurred by virtue of this Act: Provided always, that no Person or Persons shall be compelled, nor any Surveyor permitted by virtue of this Act to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*.

Surveyors to impound Cattle found straying on the Road.

LXXVII. And be it further enacted, That if any Horse, Ass, Sheep, Swine or other Beast or Cattle of any kind shall at any Time be found wandering, straying, or lying about the said Roads, or by the Sides thereof, (except on such Parts thereof as lead or pass through or over any Inclosed, or Waste, or Uninclosed Ground), it shall and may be lawful to and for the Surveyor or any other Person or Persons whomsoever to seize and impound every such Horse, Ass, Sheep, Swine or other Beast or Cattle in the common Pound of the Hundred, Parish, Township, Tything, or Place where the same shall be, or in such other Place as the said Trustees shall appoint, and the same there to detain until the Owner or Owners thereof shall, for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Four Days after such impounding, it shall and may be lawful to and for the said Trustees

or their Surveyor or Surveyors to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle; and the Money arising from such Sale, after deducting the said Penalty and Charges, and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Punishing Persons guilty of Pound Breach.

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

Mile Stones and Direction Posts to be erected.

LXXIX. And be it further enacted, That the said Trustees shall cause Stones or Posts to be set up or placed in or near the Sides of the said Roads at the Distance of One Mile from each other, denoting the Distance of any and every such Stone or Post from any Town or Place, and also such Direction Posts at the several Roads leading out of the said Roads or any Crossings, Turning, or Termination thereof, with such Inscriptions thereon denoting to what Place or Places the said Roads respectively lead, of such Height or Size, and to be erected in such Situations as they the said Trustees shall think proper; and also to cause to be painted in legible Characters, on some Wall or Board at the Entrance of every Town or Village, the Name of such Town or Village; and shall also cause Stones to be put up marking the Boundaries of Parishes where such Boundaries shall cross any Turnpike Road, and from Time to Time to repair or renew such Stones, Posts, and Boards, and keep and continue legible the Inscriptions on such Stones, Posts, Walls, and Boards respectively; and if any Person or Persons shall wilfully break, cut down, pull up, or damage any such Posts or Stones, or shall obliterate, deface, spoil, or destroy all or any of the Letters, Figures, or Marks which shall be inscribed or painted thereon, and be thereof convicted before any Justice of the Peace for the County, Liberty, or Place where such Offence shall be committed, by the Confession of the Party or by the

Penalty on damaging.

the Oath of One credible Witness, such Person or Persons shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty on Persons committing Nuisances.

LXXX. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway by the Side of the said Roads made and set apart for the Use or Accommodation of Foot Passengers, or shall lead or drive any Horse, Ass, Mule, Swine, or Cattle, or Carriage of any Description, or any Wheelbarrow, Truck, or Sledge, or any single Wheel of any Waggon, Cart, or Carriage apart therefrom, upon any such Footpath or Causeway, or shall cause any Injury or Damage to be done to the same, or the Hedges, Posts, Rails, or Fences thereof, or shall wilfully pull down or damage any Bridge, Wall, or other Building or Erection made by the said Trustees under the Authority of this Act or repaired or repairable by them, or shall haul or draw or cause to be hauled or drawn upon any Part of the said Bridge or Roads any Timber, Stone, or other Thing, otherwise than upon Wheel 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 the said Bridge or Roads to the Prejudice thereof, or shall in or upon the said Roads or by the Side or Sides thereof or in any exposed Situation near thereto kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person driving any Horse or other Beast on the said Bridge or Roads carrying any Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing, shall place such Bar or Rod, Basket or Pannier, Matter or Thing, so that the same or any of them shall project more than Thirty Inches from the Side of such Horse or other Beast or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Bridge or Roads; or if any Hawker, Higgler, Gipsey, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage with or without any Horse, Mule, or Ass, shall pitch any Tent, Booth, Stall, or Stand, or encamp upon or by the Sides of any Part of the said Bridge or Road; or if any Blacksmith or other Person occupying a Blacksmith's Shop situate near the said Roads, and having a Window or Windows fronting the said Roads, shall not by good and close Shutters every Evening after it becomes Twilight bar and prevent the Light from such Shop shining into or upon the said Roads; or shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or wantonly let off or throw any Squib, Rocket, Serpent, or Firework whatever, within Eighty Feet of the Centre of the Roads; or bait or run for the Purpose of baiting any Bull; or play at Football, Tennis, Fives, Cricket, or any other Game or Games upon the said Roads or on the Side or Sides thereof or in any exposed Situation near thereto to the Annoyance of any Passengers; or if any Person shall leave any Waggon, Wain, or Cart (except in case of Accident) upon the said Bridge or Roads or on the Side or Sides thereof without any proper Person in the sole Custody or Care thereof longer than may be necessary to load or unload the same, or shall not place the same during the Time of loading or unloading the same, or of taking Refreshment as near to one Side of the Road as conveniently may be, either with or without any Horse or Beast of Draft harnessed or yoked thereto,

thereto; or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatever upon the said Bridge or Roads or on the Side or Sides thereof or the Footpaths or Causeways adjoining, to the Prejudice of such Bridge, Roads, or Footways, or to the Prejudice, Annoyance, Interruption, or personal Danger of any Person or Persons travelling thereon; or shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatever to run or flow into or upon the said Roads or Footpaths from any House, Building, Erection, Lands, or Premises adjacent thereto; or if any Person driving any Pigs or Swine upon the said Bridge or Roads shall suffer such Pigs or Swine to root up or damage the said Bridge or Roads, or the Fences, Hedges, Banks, or Copse on either Side thereof respectively; or if any Person shall after having blocked or stopped any Cart, Waggon or other Carriage in going up a Hill or rising Ground, cause or suffer to be or remain on the said Road the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped; or if any Person or Persons shall pull down, damage, injure, or destroy any Lamp or Lamp-post put up, erected or placed in or near the Side of the said Bridge, or Roads, or Toll-houses erected thereon; or shall extinguish the Light of any such Lamp; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize, shall ride on the Shafts or any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses drawing the same upon the said Bridge or Roads without having some proper Person immediately on the Side of and attending to guide such Horses or Beasts of Draught thereof; and if any such Person meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his or her Carriage on the left or near-side of the said Bridge or Roads, or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Coach, Chaise, Waggon, Cart, or other Carriage under his or her Care upon the said Bridge or Roads, every Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings over and above such Damages occasioned thereby.

Persons liable to repair of Roads to continue so.

LXXXI. And be it further enacted, That in case any Road or Roads now in being shall be continued or made a Part of the said intended Roads or either of them, and in such case by virtue of this Act become vested in the said Trustees, all Persons who are now by Law obliged to do Statute Work on or are in anywise chargeable with or towards the repairing or amending such Roads now in being, shall still remain liable and chargeable, and do their respective Work on and repair and amend the said Roads now in being in such Manner as such Persons ought to have done before the passing of this Act and would have continued liable to do, any Thing herein contained to the contrary notwithstanding.

Statute Labour.

LXXXII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards the repairing and amending the said Roads, shall be and remain liable thereto in like Manner in every respect as they now are or have

have heretofore been; and it shall be lawful for any Two or more Justices of the Peace in and for the said County of *Gloucester* and they are hereby required and empowered upon Application made to them by the Treasurer, Clerk, or Surveyor of the said Roads yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Hamlets, and Places in or through which the said Roads do or shall lie, lead, or pass, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or their Treasurer or Treasurers, and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Hamlet, or Place to bring in a List before the said Justices at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish, Hamlet, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which List of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in Force or Effect for the Repairs of the public Highways; and out of such List, the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work in every Year upon the said Roads as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest) and on such Part of the said Roads as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Surveyor or Surveyors of such Parishes, Hamlets and Places respectively, to pay over to the said Trustees or their Treasurer such Proportion of the Composition for Statute Work as aforesaid as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Fines, Penalties and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute now in Force or Effect for Repairs of the public Highways; and if any Person who shall come to work as a Labourer or shall be sent with any Team or Draught to work on any Part of the said Roads shall be found idle or negligent, by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle and negligent as aforesaid, and in that Case every such

Justices to apportion Yearly the Statute Labour and Payment of Composition Money.

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

Trustees may compound for Statute Work.

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

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

LXXXIV. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace as or by way of Compensation or Satisfaction for any Materials, Injuries, Costs, Damages, Spoil, or Injury of any nature or kind whatsoever, done or committed by the said Trustees or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices from the Clerk

Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Trustees or to their Treasurer for the Time being, as the Case may be: Provided always, that the said Treasurer shall and may retain out of any Monies which may come into his Hands in pursuance of this Act all such Costs Charges, and Expences as he shall be put unto by virtue of such Order or Orders as aforesaid.

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

LXXXV. And whereas the probable Expences of building the said Bridge and making the said Roads will, according to an Estimate thereof, amount to the Sum of Twenty-one thousand five hundred Pounds, and the Sum of Twenty thousand Pounds, being more than Four-fifth Parts of such Expences, has already been subscribed for defraying such Expences, by several Persons, under a Contract binding them, their Heirs, Executors, and Administrators for Payment of the several Sums so subscribed by them respectively; be it therefore further enacted, That the whole of the said Sum of Twenty-one thousand five hundred Pounds shall be subscribed in like Manner before any of the Powers and Provisions given by this Act shall be put in Force.

The Bridge to be completed in Five Years.

LXXXVI. And be it further enacted, That if the said Trustees shall not within Five Years from and after the passing of this Act complete the said Bridge and Roads, so as to make the same passable for Horses and Carriages, that then and from thenceforth all and singular the Powers and Authorities vested in them by this Act shall cease and determine to all Intents and Purposes whatsoever.

Recovery of Penalties and Forfeitures.

LXXXVII. And be it further enacted, That all Penalties, Forfeitures and Fines by this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed) shall upon Proof of the Offences respectively before any Justice of the Peace for the County, Liberty, or Place where the Offence shall have been committed, (as the Case may require), either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, (which Oath such Justice is in every Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by War-

Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant); and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before such Justice, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace as aforesaid and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, Liberty, or Place where the Offender shall be or reside, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers to the said Trustees, and applied and disposed of for the Purposes of this Act.

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

For securing transient Offenders.

LXXXVIII. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors, Lessees, or Farmers of the Tolls, Surveyors or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, (and which all Bye-standers and other Persons on Demand are hereby required to give), without any Warrant or Authority than this Act, to seize or detain any Person or Persons being unknown to such Trustees, Collectors, Lessees, Farmers, Surveyors, or other Officers, who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the County, Liberty, or Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended, and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Form of Conviction of Offenders.

LXXXIX. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form or to the like Effect; (that is to say),

Glou-

Gloucestershire to wit. } ‘ BE it remembered, That on the Day of in the Year of the Reign of ‘ His present Majesty, *A. B.* is convicted before me, One of His Ma- ‘ jesty’s Justices of the Peace for the said County of *Gloucester*, by ‘ virtue of an Act of Parliament made in the Fourth Year of the ‘ Reign of His Majesty King *George* the Fourth, [*Here set forth the* ‘ *Title of the Act, and specify the Offence and the Time and Place when* ‘ *and where the same was committed, as the Case may be.*] Given under ‘ my Hand and Seal the Day and Year aforesaid.’

Persons aggrieved may appeal to the Quarter Sessions.

XC. And be it further enacted, That if any Person or Persons shall think himself or herself aggrieved by any Thing done in pursuance of this Act, (except in such Cases where the final Determination is directed by this Act), and for which no particular Method of Relief hath been hereby appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden in and for the said County of *Gloucester*, within Six Calendar Months after such Cause of Complaint shall have arisen, the Person appealing first giving or causing to be given Thirty Days Notice in Writing of his or her Intention to bring such Appeal, and of the Cause or Matter thereof to the Collector of the Tolls hereby granted, and within Ten Days after such Notice entering into a Recognizance before some Justice of the Peace for such County, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at such General Quarter Sessions; and the said Justices at the said Quarter Sessions, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as the said Justices shall think proper; and the Determination of the said Justices in their said Quarter Sessions shall be binding and conclusive to all Intents and Purposes.

Proceedings not to be quashed for want of Form.

XCI. Provided always, and be it further enacted, That no Order, Verdict, Judgment, or other Proceedings made touching or concerning any Matter aforesaid, or touching the Conviction of any Offender against this Act shall be quashed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever into any of His Majesty’s Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case: Provided that no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity, if sufficient Tender

of Amends had been made to him, her, or them, by or on behalf of the Defendant or Defendants before such Action brought.

Limitation of Actions.

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

General Issue.

TrebleCosts.

Continuance of the Act.

XCIII. And be it further enacted, That this Act shall commence upon the passing thereof, and so far as relates to the making, maintaining and repairing of the Turnpike Roads shall continue in Force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Public Act.

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

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