ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. xxix.

An Act to rebuild the Bridge in *Bird Street*, otherwise *Bridge Street*, in the City of *Lichfield*.

[2d *May* 1815.]

WHEREAS the Bridge in *Bird*, otherwise *Bridge Street*, in the ſeveral Pariſhes of *Saint Mary* and *Saint Chad*, otherwiſe *Stowe*, in the City of *Lichfield*, ſituated in the Poſt Road from *London* to *Liverpool*, and to *Cheſter* and *Holyhead*, is very ancient and dangerous to Travellers, Carriages, and Cattle, paſſing over the ſame: And whereas the Commiſſioners for carrying into Execution an Act paſſed in the Forty-ſixth Year of the Reign of His preſent Majeſty, intituled *An Act for paving, cleanſing, lighting, watching, and regulating the Streets, Lanes, and other public Paſſages and Places within the City of* Lichfield, *and the Suburbs thereof*, are ſubject and liable to the Repairs of the ſaid Bridge, but do not poſſeſs Funds ſufficient to enable them to rebuild the ſame, and carry the Purpoſes of the ſaid Act into Execution: And whereas it would be for the Benefit and Safety of Perſons travelling through the ſaid City to take down and rebuild the ſaid Bridge; but the ſame cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *John Atkinſon*, *William Bird*, *William Gueſt Bird*, *William Bond*, *Thomas Boultbee*, *John Breynton*, *Samuel Bradburne*, *Charles Buckeridge* Clerk, *Hugh Bailye* Clerk, *Richard Buckeridge* Clerk, *Lewis Buckeridge*, *John Budd*, *George Chadwick*, *Joſeph Cato*, *Henry Chinn*,

Henry Cotton, Sacheverill Darwin, Francis Dean, George Dodſon, William Dyott, John Philip Dyott, Thomas Dunn, Samuel Eborall, James Eborall, William Feary, John Burnes Floyer, Thomas Webb Greene, William Gill, Thomas Harwood Clerk, *Richard Harding, Charles Hewitt, Thomas Hinckley, Arthur Hinckley, Thomas Hinckley* the younger, *Richard Hinckley, John Hill, William Hill, Edward Jackſon, Trevor Jones, Trevor Owen Jones, Thomas Key, John Kirk* Clerk, *John Lane, Thomas Levett* Clerk, the Bailiffs of *Lichfield* for the Time being, *Jonathan Mallett, Joſeph Marſhall, Samuel Septimus Mellor, William Mott, John Mott, Fairfax Moreſby, Simon Morgan, William Morgan, Thomas Thynne Morgan, John Fletcher Muckleſtone* Clerk, *John Newling* Clerk, Sir *Charles Oakeley* Baronet, *Samuel Palmer, James Palmer, Thomas Gnoſall Parr, Thomas Paſſam, Daniel Paſſam, Thomas Padmore, Baptiſt John Proby* Clerk, *William Remington* Clerk, *Edward Simeon Remington* Clerk, *Thomas Salt, John Standley, William Snape, William Sherratt, John Sherratt, Thomas Stripling, William Stripling, Copperthwaite Smith* Clerk, *Charles Simpſon, Stephen Simpſon, John Barker Scott, John Swinfen, Thomas Taylor, Thomas Walton, Henry Ward, John Webſter, Henry White* Clerk, *Thomas White, Richard Wright, John Chappel Woodhouſe, Francis Woolley, Joſeph York*, and their Succeſſors, to be elected in Manner herein-after mentioned, being ſeverally qualified as herein-after directed, ſhall be and they are hereby declared to be Truſtees for putting this Act into Execution.

Choice of new Truſtees.

II. And be it further enacted, That if any Truſtee ſhall die or refuſe to act, (ſuch Refuſal to be ſignified by Notice in Writing under his Hand, delivered to the Clerk of the ſaid Truſtees), it ſhall and may be lawful for the ſurviving or remaining Truſtees, or any Nine or more of them, at a Public Meeting, by Writing under their Hands, to elect and appoint One other fit Perſon in the room of the Truſtee ſo dying or refuſing to act; but Notice in Writing of the Time and Place of Meeting for every ſuch Election and Appointment, ſhall be fixed on the Door of the Guildhall in the ſaid City, at leaſt Ten Days before the ſaid Meeting, and every Perſon ſo elected and appointed ſhall be a Truſtee for putting this Act in Execution to all Intents and Purpoſes, in as full and ample Manner as if ſuch Perſon had been particularly named in, and appointed a Truſtee by this Act.

Qualification of Truſtees.

III. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee for putting this Act in Execution, unleſs at the Time of his acting he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds above Reprizes, or be poſſeſſed of a Perſonal Eſtate alone, or a Real and Perſonal Eſtate together, of the Amount or Value of One thouſand Pounds, or be Heir Apparent of a Perſon poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Sixty Pounds.

Penalty on acting without being duly qualified.

IV. And be it further enacted, That if any Perſon, not being ſo qualified, ſhall 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 be recovered on the Information of any Perſon or Perſons whomſoever, in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, or by Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted, ſhall prove that he is qualified

as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof on behalf of the Plaintiff, than that ſuch Perſon has acted as a Truſtee in the Execution of this Act; and the Money ſo to be recovered ſhall, after Payment of the Coſts and Expences attending the Recovery thereof, be paid One Moiety to the Informer or Proſecutor, and the other Moiety to the Treaſurer to the ſaid Truſtees, to be applied for the Purpoſes of this Act: Provided always, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of this Act, although not duly qualified as aforeſaid, previouſly to his or their being convicted of the ſaid Offence, ſhall, notwithſtanding ſuch Conviction, be as good, valid, and effectual, as if ſuch Perſon or Perſons had been duly qualified to act as ſuch Truſtee or Truſtees, according to the Directions of this Act.

Truſtees to be ſworn, &c.

V. Provided alſo, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act (except in appointing the Firſt Meeting to be holden in purſuance of this Act, in caſe the ſame ſhall not be holden on the Day herein appointed, and in adminiſtering the Oath or Affirmation herein-after mentioned, to the other Truſtees) until he ſhall have taken the Oath herein-after mentioned, or, being One of the People called *Quakers*, have made a ſolemn Affirmation before One or more of the ſaid Truſtees, at a Meeting to be holden by virtue of this Act, (which Oath or Affirmation any One of the ſaid Truſtees is hereby empowered to adminiſter), and ſuch Oath or Affirmation ſhall be in the Words, or to the Effect following:

Oath or Affirmation.

'I *A. B.* do ſwear, [*or*, being One of the People called *Quakers*, I *A. B.* do ſolemnly affirm,] that I truly and *bonâ fide* am, in my own Right, or in Right of my Wife, in the actual Poſſeſſion and Enjoyment, or Receipt of Rents and Profits of a Real Eſtate in Law or Equity, of the clear yearly Value of Forty Pounds, or poſſeſſed of a Perſonal Eſtate alone, or a Real and Perſonal Eſtate together, to the Amount or Value of One thouſand Pounds after all my Debts are paid, or am Heir Apparent of *A. B.* who, to the beſt of my Knowledge and Belief, is ſeized of Lands, Tenements, or Hereditaments of the clear yearly Value of Sixty Pounds; and that I will faithfully execute the Truſts repoſed in me, by an Act made in the Fifty-fifth Year of the Reign of His Majeſty King *George* the Third, intituled An Act [*here inſert the Title of this Act*], whereby or by virtue whereof I am appointed a Truſtee, according to the beſt of my Skill and Judgment, and without any Favour or Affection to any Perſon or Perſons whomſoever. So help me GOD.'

Truſtees not to act where intereſted.

VI. Provided alſo, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, during ſuch Time as he ſhall hold any Office or Place of Profit under the ſaid Truſtees for the Execution thereof, or during ſuch Time as he ſhall have any Share or Intereſt in any Contract or Work to be performed or done under any of the Powers of this Act, or in any Matter wherein he ſhall be in anywiſe perſonally or beneficially intereſted, (except as a Creditor on the Rates or Aſſeſſments herein directed to be made, levied, and collected), but that it ſhall and may be lawful to and for the Juſtices of the Peace for the City and County of *Lichfield*, to act as ſuch in the Execution of this Act, notwithſtanding their being Truſtees, except only in Caſes wherein they ſhall be perſonally intereſted.

VII. And

Meetings of Truſtees.

VII. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required to meet on the Third *Thurſday* next after the paſſing of this Act, at the Guildhall in the ſaid City, between the Hours of Ten of the Clock in the Forenoon, and One of the Clock in the Afternoon, for the Purpoſe of carrying this Act into Execution, and ſhall and may then and from Time to Time afterwards, adjourn themſelves to meet at the Guildhall aforeſaid, or at any other convenient Place within the ſaid City, between the Hours aforeſaid, for the Purpoſe of proceeding in the Execution of this Act; and if it ſhall ſo happen that there ſhall not appear at the Firſt or at any future Meeting of the ſaid Truſtees appointed to be holden in purſuance of this Act, a ſufficient Number of Truſtees to act or to adjourn to another Day (Two Truſtees to be deemed ſufficient for the Purpoſe of Adjournment); or if the ſaid Truſtees ſhall refuſe or neglect to adjourn, or ſhall adjourn, and it ſhall be deemed neceſſary that a Meeting of the ſaid Truſtees ſhould be holden on an earlier Day than the Day to which ſuch Meeting ſhall have been adjourned, then and in every ſuch Caſe any Five or more of the ſaid Truſtees, or the Clerk for the Time being to the ſaid Truſtees, ſhall and may call a Meeting, to be holden on ſuch Day, between the Hours aforeſaid (by Notice in Writing, ſuch Notice being ſigned by the Truſtees ſo calling ſuch Meeting, or by the ſaid Clerk, and affixed on the Door of the Guildhall within the ſaid City, Ten Days at leaſt previouſly to the Day of holding ſuch Meeting, excluſive of the Day of giving ſuch Notice and the Day of ſuch intended Meeting) as they or he ſhall think proper; and at all Meetings to be holden in purſuance of this Act, the ſaid Truſtees ſhall pay and defray their own Expences.

No Act valid except at a Meeting.

VIII. And be it further enacted, That no Act of the ſaid Truſtees ſhall be good, valid, or effectual, unleſs done at ſome Public Meeting to be holden by virtue of this Act, (except as may be herein excepted), and that all Powers and Authorities by this Act granted to or inveſted in the ſaid Truſtees, ſhall and may, from Time to Time, be exerciſed by the major Part of them, preſent at ſuch Meeting, the whole Number preſent at ſuch Meeting not being leſs than Five; and all the Orders and Proceedings of the ſaid Truſtees, preſent at ſuch their ſeveral Meetings, ſhall have the ſame Force and Effect as if the ſame were made or done by all the ſaid Truſtees for the Time being (ſave and except as may be herein excepted); and at every ſuch Meeting of the ſaid Truſtees, a Chairman ſhall and may be appointed; and when, and as often as it ſhall happen that there ſhall be an equal Number of Votes upon any Queſtion, (including the Chairman's Vote) the Chairman ſhall have the deciſive or caſting Vote.

No Order to be revoked unleſs Ten Truſtees be preſent.

IX. And be it further enacted, That no Order made by the ſaid Truſtees ſhall be revoked or altered at any ſubſequent Meeting, unleſs at ſome Meeting to be holden for that expreſs Purpoſe, nor unleſs Notice, ſpecifying the Revocation or Alteration intended to be made, ſigned by the Truſtees deſiring ſuch Revocation or Alteration, be inſerted in ſome Public Newſpaper uſually circulated in the ſaid City, and alſo affixed on the Door of the Guildhall within the ſaid City, Ten Days at the leaſt previouſly to the Day of holding ſuch Meeting, (excluſive of the Day of giving ſuch Notice, and the Day of ſuch intended Meeting), nor unleſs Ten Truſtees ſhall attend at ſuch Meeting to revoke or alter ſuch Order; any Thing herein contained to the contrary thereof notwithſtanding.

X. And

Truſtees may ſue and be ſued.

X. And be it further enacted, That the ſaid Truſtees for putting this Act into Execution, may ſue and be ſued in the Name of their Clerk, and that no Action to be brought or commenced by or againſt the ſaid Truſtees, or any of them, by virtue or in conſequence of this Act, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk, or by the Act of ſuch Clerk, without the Conſent of the Truſtees; but the Clerk for the Time being to the ſaid Truſtees ſhall always be deemed the Plaintiff or Defendant, as the Caſe may be, in ſuch Action: Provided always, that every ſuch Clerk, in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of this Act, ſhall always be reimburſed and paid out of the Monies to be raiſed by virtue of this Act, all ſuch Coſts and Charges as by the Event of any ſuch Proceeding he ſhall be put unto, or become chargeable with, by means of his being ſo made Plaintiff or Defendant therein, or of ſuch Proceeding or Proceedings being commenced and carried on in his Name as aforeſaid.

Proviſion for General Annual Meeting of the Truſtees.

XI. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required, to meet on the Firſt *Thurſday* in the Month of *January* yearly at the Guildhall within the ſaid City, and that at ſuch General Annual Meeting, the Accounts of all Monies received and paid from Time to Time by virtue or in Execution of this Act, by any Perſon or Perſons whomſoever, ſhall be produced and ſtated to the ſaid Truſtees.

Entry of Truſtees Proceedings.

XII. And be it further enacted, That fair and regular Entries ſhall be made (in a Book or Books to be provided for that Purpoſe) of all the Acts, Orders, Directions, Regulations, and Proceedings of the ſaid Truſtees for putting this Act into Execution, relative to the Execution of this Act, and of the Names of the Truſtees who ſhall be preſent at the reſpective Meetings; and ſuch Entries ſhall be ſigned or ſubſcribed by the Chairman of each reſpective Meeting, and being ſo ſigned or ſubſcribed, ſhall be deemed Originals, and ſhall be allowed to be read in Evidence in all Courts whatſoever, in all Caſes, Suits, and Actions touching any Thing done in purſuance of this Act.

Truſtees may appoint Officers and Receivers of Tolls.

XIII. And be it further enacted, That the ſaid Truſtees may, and they are hereby authorized and empowered from Time to Time, to nominate and appoint all ſuch Officers and other Perſons under them as ſhall be deemed neceſſary for and towards the Execution of the Powers and Authorities hereby given to them, and particularly to nominate and appoint ſuch Perſon or Perſons to be Receiver or Receivers, Collector or Collectors of the Tolls and Duties hereby granted as they ſhall think fit, and ſhall take ſuch Security from the ſaid Receivers or Collectors as they ſhall think proper; and the ſaid Truſtees ſhall and may diſplace and remove any Perſon or Perſons ſo to be nominated or appointed, and from Time to Time appoint any other or others in his, her, or their Place or Stead, as Occaſion ſhall require, and make ſuch Allowance to the Officers and Perſons to be employed under them, for their Care and Pains in the Execution of their reſpective Offices or Employments, as they ſhall think reaſonable; and all Perſons by this Act liable to pay the ſaid Tolls or Duties, or any of them, are hereby required to pay the ſame to ſuch Receiver or Receivers, Collector or Collectors as aforeſaid, and all ſuch Receivers and Collectors are alſo required to pay the ſame into the Hands of ſuch Perſon or Perſons as ſhall have been appointed

Tolls to be paid to Collectors, who are to pay the ſame over to the Treaſurer.

appointed Treaſurer or Treaſurers to the Truſtees for putting this Act into Execution, to be applied as herein-after mentioned; and that ſuch Receiver or Receivers, Collector or Collectors, Treaſurer or Treaſurers, reſpectively, ſhall, upon Oath to be taken before the Bailiffs or any Two Juſtices of the Peace for the ſaid City for the Time being, (which Oath the ſaid Bailiffs, or any Two Juſtices of the Peace for the ſaid City, is and are hereby empowered to adminiſter) from Time to Time give in and render to the Truſtees for putting this Act into Execution, a true and exact Account in Writing, under their reſpective Hands, of all Monies which they, and every, or any of them, ſhall have received, paid, and diſburſed by virtue of this Act, or by reaſon of their reſpective Offices, and ſhall pay over to ſuch Perſon or Perſons as ſhall be nominated and appointed, or be duly authorized to receive the ſame, all ſuch Sum and Sums of Money, and Balances of ſuch Monies as ſhall be then remaining in their Hands reſpectively; and in caſe any ſuch Receiver or Receivers, Collector or Collectors of the ſaid Tolls and Duties, or Treaſurer or Treaſurers as aforeſaid, or any of them, ſhall not make and verify ſuch Account upon Oath, and alſo make ſuch Payment as by this Act is directed, then and in ſuch Caſe any Juſtice of the Peace for the ſaid City of *Lichfield* for the Time being, ſhall commit ſuch Party or Parties refuſing or neglecting ſo to do, to His Majeſty's Gaol, or to the Houſe of Correction for the ſaid City, there to remain for the Space of Six Calendar Months, or until he, ſhe, or they ſhall have rendered ſuch Account, and made ſuch Payment as aforeſaid, or compounded for the ſame with the ſaid Truſtees, in full Satisfaction for all Money that ſhall be then due from ſuch Perſon or Perſons.

Truſtees may compound.

Toll Collectors to put up their Names.

XIV. And be it further enacted, That all and every Toll Collector appointed by the ſaid Truſtees, or any Five or more of them, or by any Leſſee or Leſſees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be erected by virtue of this Act, ſhall, and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front or on ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately upon his coming on Duty, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the ſaid Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand or take a greater or leſs Toll from any Perſon or Perſons than he ſhall be authorized to do by virtue of the Powers of this Act, 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 Chriſtian or Surname, 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 give a falſe Name or Names on ſuch Demand, or ſhall refuſe or neglect to give a Ticket to denote the Payment of the Toll when demanded, or ſhall make uſe of any ſcurrilous or blaſphemous Language to any Perſon or Perſons paſſing or going to paſs over the ſaid Bridge, or ſhall, without ſufficient Cauſe, detain or delay any Perſon or Perſons ſo paſſing or going to paſs, then and in every ſuch Caſe, every ſuch Collector ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence.

XV. And be it further enacted, That it ſhall be lawful to and for any Five or more of the ſaid Truſtees, upon the Death, or Neglect, Refuſal, or Incapacity to act, of any Collector of the Tolls granted by this Act, by Writing under their Hands, to nominate and appoint ſome other fit Perſon in his or her Place until the next Meeting of the ſaid Truſtees, which Perſon ſo to be nominated and appointed ſhall have the like Power and Authority, and be accountable in the ſame Manner in all Reſpects as the Perſon in whoſe Room and Stead he or ſhe ſhall be ſo appointed; and if any Collector of the ſaid Tolls who ſhall be diſcharged from his or her Office by the ſaid Truſtees, ſhall refuſe or neglect to deliver up the Poſſeſſion of the Tollhouſe, Buildings, and Appurtenances, which he or ſhe enjoyed in Right of his or her Appointment to that Office, within Three Days after Notice given to him or her, or left at ſuch Tollhouſe, in Writing under the Hands of the ſaid Truſtees, or any Five or more of them, or if the Wife or Family of any ſuch Collector who ſhall die as aforeſaid, or any other Perſon who ſhall be in Poſſeſſion of the Premiſes by any Means whatſoever, ſhall refuſe to deliver up ſuch Houſe, Buildings, and Appurtenances within Three Days after Notice of ſuch new Appointment being made as aforeſaid, ſhall have been given to him, her, or them, or left at ſuch Tollhouſe, ſigned by any Five or more of the ſaid Truſtees, then and in any of the ſaid Caſes, it ſhall be lawful for any Juſtice of the Peace for the ſaid City and County of *Lichfield*, by Warrant under his Hand and Seal, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Tollhouſe and Premiſes in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with their Goods and Chattels, out of ſuch Tollhouſe and other Premiſes, and to put the newly-appointed Collector in Poſſeſſion thereof.

On Death of Gatekeeper Five Truſtees may nominate another until the next Meeting.

If diſcharged Gatekeeper refuſe to deliver up Tolls, &c.

Juſtices may order him to be put out.

XVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and empowered, to take down and remove the ſaid preſent Bridge, or ſo much and ſuch Parts of the ſame, or either of them reſpectively, and in ſuch Manner as they the ſaid Truſtees ſhall think proper, and to carry away, ſell, and diſpoſe of the Materials thereof; and to erect and build, or cauſe to be erected and built, with Iron, Stone, or other Materials, a good and ſubſtantial new Bridge, (of a Width not leſs than Twenty-four Feet, nor more than Forty Feet in the clear), upon or near the Scite of the ſaid Bridge ſo intended to be taken down, and to make proper and uniform Balluſtrades on each Side of the ſaid Bridge, and to cauſe Footways of flat ſmooth Stones to be laid on one or both Sides of the ſame Bridge, and alſo to make proper Roads, Ways, Avenues, and Approaches to the ſaid Bridge, at each End thereof, fit for the Paſſage of Travellers, Carts, Carriages, and Cattle; and for the Purpoſes aforeſaid the ſaid Truſtees ſhall have full Power and Authority to dig and make proper Foundations on each Side thereof, for the Piers and Abutments of the ſaid Bridge, and from Time to Time, and at all Times hereafter, to do, perform, and execute all other Acts, Matters, and Things as the ſaid Truſtees, or any Five or more of them, ſhall think requiſite and neceſſary, uſeful and convenient, for effectually taking down and rebuilding, making more commodious, completing, maintaining, or ſupporting the ſaid Bridge, and other Works and Conveniences, according to the true Intent and Meaning of this Act; and the ſaid Truſtees ſhall have full Power and Authority to lay on each and every Side of the ſaid Street, all Materials and other Things to be uſed in and about the ſaid Bridge, and there to

Power to take down preſent Bridge, or Part thereof, &c.

to work and uſe the ſame accordingly, they, the ſaid Truſtees, making ſuch Satisfaction as is herein-after mentioned to the reſpective Owners and Occupiers of all the Lands and Grounds, Tenements and Hereditaments, which ſhall be taken or made uſe of for the Purpoſes aforeſaid, or any of them.

Paſſage not to be ſtopped till temporary or new Bridge built.

XVII. And be it further enacted, That before the ſaid Truſtees ſhall begin to take down and remove the preſent Bridge, they the ſaid Truſtees ſhall and may, and they are hereby authorized and empowered, to erect and build a temporary Bridge, until ſuch new Bridge ſhall be conſtructed and built, and made ſafe and commodious for Carriages and Paſſengers, or continue to keep the ſaid preſent Bridge in ſuch a State, that the Paſſage over the ſame ſhall not be ſtopped or deſtroyed, during the Time that the ſame may be building and altering.

Power to hire Lands, Buildings, &c.

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to contract and agree with the Owner or Owners, and all other Perſons intereſted in any Meſſuages, Buildings, Lands, Tenements, Ground, or Hereditaments, which they the ſaid Truſtees may think neceſſary and proper to hire, for conſtructing, building, and repairing the ſaid Bridge, and for erecting a temporary Bridge, and alſo to ſettle, adjuſt, and agree with the ſaid ſeveral Owners, Occupiers, and Perſons intereſted, or any of them, what Recompence or Satisfaction ought reaſonably to be made for any Loſſes, Damages, or Expences they reſpectively ſhall or may ſuſtain or be put unto for or by reaſon or on Account of the taking down and removing the ſaid preſent Bridge, or the conſtructing, building, or completing the ſaid intended new Bridge and temporary Bridge, or the Execution of any of the Powers of this Act reſpecting the ſame.

Truſtees may contract for performing Works.

XIX. And be it further enacted, That the ſaid Truſtees ſhall and may, and they are hereby authorized and empowered to contract and agree with any fit and proper Perſon or Perſons, Artificers, Workmen, and others, for the making and doing of all and every or any Part or Parts of the Works by this Act authorized or directed to be done and performed, or for ſupplying any of the Materials for the ſame, which Contract or Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Penalties to be ſuffered in caſe of Non-performance thereof, and ſhall be ſigned by Five or more of the ſaid Truſtees, and alſo by the Perſon or Perſons contracting or agreeing to perform ſuch Works reſpectively, which Contract or Contracts, or a Copy or Copies thereof, ſhall be entered in a Book to be kept for that Purpoſe by the Clerk to the ſaid Truſtees; but previous to making any ſuch Contract or Contracts, Ten Days Notice at leaſt ſhall be given in ſome Newſpaper circulated in or near the ſaid City, and alſo by affixing a Notice on the Door of the ſaid Guildhall of the ſaid City, expreſſing the Intention of entering into ſuch Contract, in order that any Perſon or Perſons willing to undertake the ſame, may make Propoſals for that Purpoſe, to be offered and preſented to the ſaid Truſtees at a certain Time and Place in ſuch Notice to be mentioned.

Truſtees may employ Surveyors, and

XX. And be it further enacted, That the ſaid Truſtees ſhall cauſe all and every the Works to be done in purſuance of this Act to be inſpected by

by their Surveyor or Surveyors, or by such other Person or Persons as they shall for that Purpose appoint; and in case the same shall not be well and sufficiently performed, according to the Terms, Intent, or Meaning of such Contract or Contracts, or shall not be finished and completed at or within the Time or Times specified in such Contract or Contracts, then the said Trustees may bring, or cause to be brought, any Action or Actions, in any of His Majesty's Courts of Law at *Westminster*, against any such Contractor, for any Penalty contained in his Contract, and on Proof of the signing of the said Contract or Contracts, and Non-performance thereof, at the Time or Times for that Purpose to be therein mentioned, the said Trustees shall be entitled to, and shall recover the full Penalty contained in any such Contract, which, when recovered, shall be applied for such of the Purposes of this Act as the said Contract or Contracts shall relate to: Provided always, that it shall be lawful for the said Trustees (if they think fit) to compound and agree with any Contractor for any Penalty incurred by him for the Breach or Non-performance of any such Contract, for such Sum of Money as the said Trustees shall think proper, not being less than the Injury or Damage sustained by the Breach or Non-performance of such Contract, and all Costs, Charges, and Expences that shall be occasioned thereby.

sue and compound for Breach of Contracts, &c.

XXI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at any Time or Times after the passing of this Act, to erect or build, or cause to be erected or built, a Toll Gate and Toll House, Chain, Bar, or Fence, in that Part of *Bacon Street* in the said City of *Lichfield*, which is opposite to a Close of Land belonging to and now in the Occupation of the very Reverend the Dean of *Lichfield*, and to cause such Tolls to be collected and levied at such Toll Gate as are by this Act made payable.

Power to erect Toll Gates.

XXII. And be it further enacted, That until the said Bridge shall be built, completed, and paved, the Right and Property of, in, and to the said Bridge, with the Walls and Fences belonging thereto, shall be and are hereby vested in the Trustees for putting this Act into Execution, and their Successors, and they are hereby empowered to bring or cause to be brought any Action or Actions, or to prefer any Indictment or Indictments against any Person or Persons who shall be liable thereto respectively, or disturb them in the Possession thereof, or shall take or retain, or hold the Possession thereof, being required to deliver up the same by the said Trustees, or any Person to be appointed by them for that Purpose.

Property in the Bridge.

XXIII. And be it further enacted, That until the Money to be borrowed or raised under the Authority of this Act shall be repaid, and the Tolls hereby granted shall cease and determine, the Right and Property of the said Toll Gate, Toll House, Chain, Bar, and Fence, to be erected by virtue of this Act, with the Ground, Fences, and Appurtenances thereto respectively belonging, shall be vested in the said Trustees; and they are hereby empowered to cause any Action or Actions to be brought, and any Bill or Bills of Indictment to be preferred against any Person or Persons who shall steal, break down, take away, injure, or spoil the said Toll Gate, Toll House, Chain, Bar, or Fence, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively, it shall be sufficient to state generally that the Article or Articles, Thing or Things, for which

Bridges, Turnpikes, &c. vested in Trustees.

such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Trustees acting under and by virtue of this Act, without particularly mentioning or specifying the Name or Names of all or any of the said Trustees.

Satisfaction for accidental Damage to Toll Houses, &c.

XXIV. And be it further enacted, That in case any Person or Persons shall carelessly, negligently, or accidentally damage, break, or throw down any Toll House, Bar, Gate, or Chain, or any Guard or Fence, which shall be erected, fixed, or set up, for the Purpose of collecting any Toll or Duty hereby authorized or directed to be levied, received, or paid, or for the Purpose of preventing Passengers, Carriages, or Cattle, from passing without paying the same, or for the Safety or Protection of such Passengers, or any Part of such Toll House or Houses, Bar, Gate, Chain, Guard, or Fence, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the said City and County of *Lichfield*, upon Complaint to him made, by one or more credible Witness or Witnesses, to summon before him the Party or Parties who shall be complained of for doing such Damage as aforesaid, and upon hearing the Allegation and Proofs on both Sides, or Non-appearance of the Party or Parties so complained of, to award such Sum or Sums of Money, by way of Satisfaction, to the said Trustees, for such Damages as such Justice shall think reasonable; and in case of Neglect or Refusal to pay any Sum or Sums of Money so awarded, upon Demand, it shall and may be lawful to and for such Justice, and he is hereby required to cause the same to be raised and levied, in such and the like Manner, as any Penalties or Forfeitures are by this Act directed to be raised and levied.

Penalty for destroying Toll Houses, &c.

XXV. And for preventing the wilful and maliciously damaging or destroying any such Toll House, Bar, Gate, or Chain, which shall be erected, made, or set up in pursuance hereof; be it enacted, That if any Person or Persons shall, either by Day or Night, wilfully or maliciously pull down, pluck up, throw down, level, or destroy any Toll House or Houses, Bar, Gate, or Chain, or any Guard or Fence to be erected, fixed, or set up, for the Purpose of collecting any Toll or Duty hereby authorized or directed to be levied, received, or paid, or for the Purpose of preventing Passengers, Carriages, or Cattle, from passing without paying the same, or for the Safety or Protection of such Passengers, or any Part of such Toll House or Houses, Bar, Gate, Chain, Guard, or Fence, that then, and in each and every, or any of the said Cases, every Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer as a Felon by being transported for any Term not exceeding Seven Years, or by being committed to Prison for any Time not exceeding Three Years, at the Discretion of the Judge or Court before whom such Offence shall be tried.

Gates at which the new Tolls are to be taken.

XXVI. And be it further enacted, That it shall and may be lawful for the Trustees hereby appointed, and they are hereby authorized and empowered, to take and receive, or cause to be taken and received, at such Toll Gate, in the Nature of a Toll or Duty, any Sum which the said Trustees shall order or direct, not exceeding the following Tolls or Duties; and if no such Order or Direction shall be given to the contrary, then the Whole of the same Rates, Tolls, or Duties; (that is to say),

For

For each and every Horſe, Mare, Gelding, Mule, or other Beaſt of Draught, drawing any Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe Marine, Chaiſe, Landaulet, Hearſe, Curricle, Chair, Gig, Caravan, or other Carriage of the like Kind or Deſcription, by whatſoever Name ſuch Carriages now are, or hereafter may be called or known, the Sum of Three-pence: New Tolls.

For each and every Horſe, Mare, Gelding, Ox, Mule, Aſs, or other Beaſt of Draught, drawing any Waggon, Wain, Cart, or other Carriage of the like Kind or Deſcription, by whatſoever Name ſuch Carriages now are or hereafter may be called or known, having the Fellies of the Wheels of leſs Breadth than Six Inches, the Sum of Three-pence:

For each and every Horſe, Mare, Gelding, Ox, Mule, Aſs, or other Beaſt of Draught, drawing any Waggon, Wain, Cart, or other Carriage of the Kind or Deſcription before mentioned, having the Fellies of the Wheels of the Breadth of Six Inches or upwards, the Sum of Two-pence:

For each and every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Penny.

Tolls may be levied by Diſtreſs and Sale.

XXVII. And the ſaid Truſtees are hereby empowered, by any Perſon or Perſons to be by them duly authorized as herein-after mentioned, to levy the Tolls or Duties hereby required to be paid upon any Perſon or Perſons who ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, or who may obſtruct and hinder any Paſſage through any ſuch Toll Gate, Toll Bar, or Side Bar, until the ſaid Tolls or Duties ſhall be paid, which ſaid Tolls or Duties ſhall and may be levied by Diſtreſs of any Carriage, Horſe, or Horſes, or other Cattle or Goods, upon or in reſpect of which ſuch Tolls or Duties are by this Act impoſed, or upon any other of the Goods and Chattels of ſuch Perſon or Perſons as ought to pay the ſame; and all ſuch Carriages, and the Horſes and Cattle drawing the ſame, and alſo all ſuch other Horſes or Cattle or Goods reſpectively, may be detained until ſuch Tolls or Duties, with the reaſonable Charges of ſuch Diſtreſs, ſhall be paid; and it ſhall be lawful for the Perſon or Perſons ſo diſtraining, after the Space of Four Days next after any ſuch Diſtreſs made or taken, to ſell the Cattle or other Goods or Chattels ſo diſtrained for Payment of the ſaid Tolls or Duties, rendering to the Owner or Owners the Surplus, upon Demand, after Satisfaction of the ſaid Tolls or Duties, and the reaſonable Charges in and about making ſuch Diſtreſs and Sale, and keeping the ſame.

General Exemptions.

XXVIII. Provided alſo, and be it further enacted, That no Perſon or Perſons ſhall be charged or compellable to pay any of the Tolls made payable by this Act, for the paſſing or repaſſing of any Waggon, Cart, Wain, Dray, or other Carriage whatſoever, or with or for any Horſe, Mare, Gelding, Ox, Mule, Aſs, or other Beaſt drawing the ſame, which ſhall reſpectively be then ſolely uſed or employed, whether loaded or empty, in the Carriage or Conveyance of any Stones, Timber, Gravel, or other Materials, for any of the Purpoſes of this Act, or for the Repairs of any Public Highway, or for the Repairs, Alteration, or Improvement of the Cathedral Church of *Lichfield*, or any of the Churches in the ſaid City of *Lichfield*, or any Walls or Pavements belonging or appertaining to any ſuch Churches; or in the Carriage of any Dung, Mould, Soil, or Compoſt of any Kind (except Lime) for the manuring of any Garden or other Land, or of Hay, Straw, or Corn in the Straw only, not ſold or diſpoſed of, or

being conveyed to be ſold, but paſſing to be laid up or placed in the Outhouſes, or on the Lands of the Owners; or for any Horſe, Cattle, Beaſt, or Carriage employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow, or other Implement of Huſbandry, unleſs the Carriage bearing any ſuch Plough, Harrow, or other Implement of Huſbandry, be alſo laden with any other Thing not hereby intended to be exempted from Payment of Toll; or for any Horſe, Mare, Gelding, Mule, Aſs, Cow, or other Cattle going to or returning from Paſture, or Watering Places, or for going or returning from being ſhoed or farried, or from any Perſon going to or or returning from the Cathedral Church of *Lichfield*, or his or her proper Parochial Church, Chapel, or other Place of Religious Worſhip on a *Sunday*, or upon any other Day on which Divine Service is or ſhall be ordered by Authority to be celebrated, or attending the Funeral of any Perſon that ſhall die or be buried in the ſaid City and County, or Cloſe of the Cathedral Church of *Lichfield*; or from any Clergyman going to or returning from viſiting any ſick Perſon, or upon his other Parochial or Miniſterial Duty, ſo as that in any of the Caſes before mentioned, no ſuch Carriage, Horſe, Mare, Gelding, Mule, or Aſs, be at the ſame Time uſed for the Purpoſe of going elſewhere, or for any other Purpoſe; or for any Horſe, Cattle, or Carriages of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes, under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding the ſame, or in returning back from conveying the ſame; or for the Horſes of Soldiers on their March, or on Duty, or Carriages, or Horſes, or other Beaſts employed in carrying the Arms or Baggage of ſuch Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat, or other Publick Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or for any Horſe, Mare, or Gelding, furniſhed for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exerciſe; provided ſuch Perſons are in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemptions; or for any Carriage, Horſe, or other Beaſt employed in the Conveyance of Vagrants travelling with legal Paſſes; or for any Horſe, Cattle, or other Beaſt carrying or conveying any Perſon or Perſons going to vote, or returning from voting, at any Election of a Member or Members to ſerve in Parliament for the Counties of *Stafford* or *Warwick*, or City of *Lichfield*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin, or be concluded; and if any Perſon ſhall claim or take the Benefit of any ſuch Exemptions, not being legally entitled to the ſame, every ſuch Perſon ſhall forfeit and pay any Sum not exceeding Forty Shillings.

Owners or Drivers of Carriages in the Service of His Majeſty not

XXIX. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven, any Waggon, Wain, Cart, or other Carriage, furniſhed or provided for the Service of His Majeſty's Forces, or 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, ſhall be

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.

Subject to Penalties for Overweight, &c.

XXX. Provided always, and be it further enacted, That no Perſon who ſhall have paid the Toll for paſſing through the ſaid Gate or Turnpike, to be erected in purſuance of this Act, between the Hour of One in the Morning of one Day, and One in the Morning of the following Day, and ſhall produce a Note or Ticket denoting the Payment of the ſaid Toll at ſuch Gate, (which Note or Ticket the Receiver or Receivers, Collector or Collectors is and are hereby required to give *gratis* on the Receipt of the ſaid Toll) ſhall be ſubject or liable to the Payment of any further or other Toll, for paſſing or repaſſing the ſaid Gate between the ſame Hours, with the ſame Horſe, Mare, Gelding, Mule, Aſs, or other Cattle, or with the ſame Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe Marine, Chaiſe, Landaulet, Hearſe, Curricle, Gig, Caravan, Waggon, Wain, Cart, or other Carriage, and drawn by the ſame Horſes or Cattle.

Tolls to be paid but once in Twenty-four Hours.

XXXI. And be it further enacted, That if any Perſon or Perſons ſhall forcibly or wilfully paſs by or through any Toll Houſe, Toll Gate, Bar, or Chain reſpectively, to be erected, put, or made, in purſuance of this Act, with any Carriage, Horſe, or other Cattle, or ſhall when or before he, ſhe, or they ſhall come to any ſuch Toll Houſe, Toll Gate, Bar, or Chain, take off or from any Carriage liable to or charged with any of the ſaid Tolls, or permit or ſuffer to be taken off or from ſuch Carriage, any Horſe or Horſes, Ox or Oxen, or any other Beaſt or Beaſts drawing the ſame, or ſhall put on or add, or permit or ſuffer to be put on or added, any Horſe or Horſes, Ox or Oxen, or any other Beaſt or Beaſts of Draught, to any ſuch Carriage, after the ſame ſhall have paſſed by or through any ſuch Toll Houſe, Toll Gate, Bar, or Chain, or ſhall do any other Act with Intent to evade or leſſen the Payment of any of the ſaid Tolls or Duties reſpectively, or of any Part thereof, or whereby the Payment thereof, or of any Part thereof reſpectively ſhall anyways be evaded or leſſened, then and in every ſuch Caſe every Perſon ſo offending, being thereof convicted by his own Confeſſion, or upon the Oath of one or more credible Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace for the ſaid City, ſhall, for every ſuch Offence, forfeit any Sum not exceeding Five Pounds, whereof One Moiety ſhall be paid to the Informer or Informers, and the other Moiety ſhall be paid to the Treaſurer of the Truſtees for putting this Act into Execution, and applied for the Purpoſes of this Act.

Penalty for paſſing the Toll Houſes or doing other Acts to evade or leſſen the Tolls.

XXXII. Provided always, and be it further enacted, That all Differences and Diſputes between the ſaid Truſtees, or their Collectors, Receivers, and Treaſurers of the ſaid Tolls or Duties, and any Perſon or Perſons chargeable or charged therewith, touching or concerning the Amount of ſuch Tolls ſo to be charged or demanded, or any Claim or Claims of Exemption therefrom,

Diſputes as to the Amount of Tolls due to be ſettled by a Juſtice.

therefrom, or in anywiſe relating thereto, or the Recovery thereof, and any Coſts, Charges, or Expences attendant thereon, ſhall be ſettled and determined in a ſummary Way, by One or more Juſtice or Juſtices of the Peace of and for the ſaid City, by the Oath of the Parties concerned, or of other Witneſſes, (which Oath he and they are hereby authorized to adminiſter), or by other good and legal Proof, and which Determination touching the Premiſes ſhall be final and concluſive.

Collectors, &c. not to be incompetent Witneſſes.

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

Tolls, etc. not to be aſſeſſed to any Parochial Rates.

XXXIV. And be it further enacted, That the Tolls, Duties, and Compoſition Money, payable or to be received by virtue of this Act, ſhall not, nor ſhall any of them, or any Part thereof reſpectively, be rated or aſſeſſed for or towards any Parochial Rate, Aſſeſſment, or Impoſition whatſoever.

Tolls may be let from Year to Year.

XXXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, from Time to Time, if they ſhall think fit, to leaſe or let by Auction the ſaid Tolls, or any Part or Parts of ſuch Tolls, unto any Perſon or Perſons, from Year to Year, for the beſt Rent that can be gotten for the ſame, payable at ſuch Times, and under ſuch Covenants, and to ſuch Perſon or Perſons, as they the ſaid Truſtees ſhall direct or appoint; and the Monies ariſing thereby ſhall be applied in ſuch Manner as the Tolls to be ſo leaſed are hereby directed to be applied.

Truſtees may borrow Money on the ſeparate Credit of the Tolls.

XXXVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, from Time to Time, at any Meeting or Meetings to be held after the paſſing of this Act, of which One Month's Notice at the leaſt ſhall be given, by Advertiſement as before mentioned, in ſuch Manner as they the ſaid Truſtees ſhall think proper, to borrow and take up at Intereſt ſuch Sum and Sums of Money as they ſhall think fit, not exceeding the Sum of Two thouſand five hundred Pounds, on the ſeparate Credit of the ſaid Tolls; and they the ſaid Truſtees may, and they are hereby empowered, from Time to Time, to aſſign over, demiſe, and mortgage, all or any of the ſaid Tolls, together with the Turnpikes and Toll Houſes for collecting the ſame, (the Charges of which Mortgages ſhall be paid out of ſuch Tolls), as a Security or Securities to ſuch Perſon or Perſons, or his, her, or their Truſtee or Truſtees, who ſhall advance the Monies ſo to be borrowed on the Credit of the ſaid Tolls, which ſaid Aſſignments or Mortgages ſhall be made by an Inſtrument, in Writing or printed, under the Hands of the ſaid reſpective Truſtees, or any Five or more of them, but without any Seal or Seals to be thereunto affixed in the Words or to the Effect following; (that is to ſay),

'BY virtue of an Act of Parliament, made in the Fifty-fifth Year o
'the Reign of His Majeſty King *George* the Third, [*here inſert th*
'*Title of the Act*] We whoſe Names are hereunto ſubſcribed, being Fiv
'or more of the Truſtees for putting the ſaid Act in Execution, in conſi
'deratio

'deration of the Sum of , now advanced and paid by
' to the Treaſurer of the ſaid Truſtees, do hereby
'bargain, ſell, demiſe, and aſſign, unto the ſaid , Execu-
'tors, Adminiſtrators, and Aſſigns, all the Tolls ariſing and to ariſe, and
'be collected, under the Authority of the ſaid Act, and the Toll Houſes
'for collecting the ſame, to hold unto the ſaid , Execu-
'tors, Adminiſtrators, and Aſſigns, from henceforth, redeemable neverthe-
'leſs by the ſaid Truſtees for the Time being, on Payment of the ſaid Sum
'of , with Intereſt, after the Rate of for every
'One hundred Pounds by the Year. In Witneſs whereof we have here-
'unto ſet our Hands, the Day of .'

Mortgages may be aſſigned.

XXXVII. And all and every Perſon and Perſons to whom ſuch Mortgage or Mortgages ſhall be made as aforeſaid, or who ſhall be entitled to the Monies thereby ſecured, may, from Time to Time, aſſign and transfer the ſame, and his, her, and their Right, Title, and Intereſt to the Principal and Intereſt thereby ſecured, to any other Perſon or Perſons whomſoever, by an Inſtrument in Writing, without Seal, in the Words or to the Effect following:

'I do hereby transfer and aſſign a certain Mortgage
'hereunto annexed, bearing Date the Day of ,
'of the Tolls therein mentioned, to [*as the Caſe may*
'*happen*], and all my Right and Title to the Principal Money and Intereſt
'thereby ſecured, and now due, unto , Executors, Admi-
'niſtrators, and Aſſigns. Dated this Day of .'

All which ſaid Mortgages and Aſſignments ſhall be produced to the Clerk of the ſaid Truſtees within Thirty Days after the Date thereof, who ſhall cauſe Copies or Entries to be made thereof, in order of Time, One after another, in a Book or Books to be kept for that Purpoſe, for which Copy or Entries the ſaid Clerk ſhall be allowed ſuch Sum as the ſaid Truſtees ſhall appoint, and which ſaid Book and Books ſhall and may, at all ſeaſonable Times, be peruſed and inſpected, without Fee or Reward; and every ſuch Aſſignee or Aſſignees may, in like Manner, aſſign again ſo often as he, ſhe, or they ſhall think fit, having ſuch Aſſignment entered as aforeſaid, and it ſhall not be in the Power of the Perſon or Perſons who ſhall have made ſuch Transfer or Aſſignment to make void or releaſe the ſame, or any Monies due thereon, or any Part thereof; and in caſe any ſuch original Mortgages, Aſſignments, or Securities ſhall happen to be loſt or deſtroyed, the Copies or Entries thereof, made as aforeſaid, ſhall be deemed ſufficient Evidence to entitle the Perſon or Perſons, to whom the Monies due thereon ſhall reſpectively belong, to the Payment thereof, as fully and effectually as if ſuch original Mortgage and Aſſignment reſpectively were exiſting; and the Clerk, or Perſon in whoſe Cuſtody ſuch Copies or Entries ſhall happen to be, is hereby required to produce the ſame for the Benefit of ſuch Creditors reſpectively.

No Preference of Payment.

XXXVIII. Provided alſo, and be it further enacted, That there ſhall not be any Preference or Priority in Payment of any Sum or Sums of Money to be borrowed upon the Credit of the Tolls to be collected by virtue of this Act, but that the ſaid Tolls ſhall be liable, in an equal Degree, to the Payment of all Sums of Money to be borrowed on the Credit of the ſaid Tolls.

XXXIX. And

Application of the Tolls and Money to be borrowed.

XXXIX. And be it further enacted, That out of the First Money arising or to arise by the Tolls which shall be collected by virtue of this Act, or out of the First Money which shall be borrowed upon the Credit thereof, the said Trustees shall in the first Place pay and defray the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and in repaying all and every Sum and Sums of Money which shall have been or which shall be advanced by any Person or Persons for the Payment of such Costs, Charges, or incidental Expences, with lawful Interest for the same; and also all Costs, Charges, and Expences in making the Surveys, Plans, and Estimates of the said Bridge; and after Payment thereof all the Money which shall arise or come to the Hands, Custody, or Power of the said Trustees or their Treasurer, by virtue or for the Purposes of this Act, shall from Time to Time be applied in defraying the Expences of erecting the said Turnpike and Toll House, and in erecting the said temporary Bridge, and in taking down and removing the said present Bridge or such Parts thereof respectively as may be thought proper to be taken down, and in constructing and building the said intended new Bridge, and in defraying all other necessary Charges and Expences attending the Execution of this Act, and in paying the Interest of the Principal Money so to be borrowed on the Credit of the said Tolls, and in paying off the said Principal Money, and in otherwise carrying this Act into Execution, and to and for no other Use, Intent, or Purpose whatsoever.

When Bridge is built, &c. it shall thenceforth be repaired by the Commissioners under Act 46 G. 3.

XL. And be it further enacted, That as soon as the said Trustees shall have rebuilt the said Bridge, and completed and paved the same, they shall certify the same under the Hands of any Five or more of them, to the Justices of the Peace assembled at the next ensuing General Quarter Sessions, to be held for the said City and County, and that from and immediately after the Delivery of such Certificate, the said Bridge shall be repaired, paved, cleansed, lighted, and watched by the Commissioners appointed by the said Act of the Forty-sixth Year of the Reign of His present Majesty, and that from thenceforth no Part of the said Tolls shall be applied in paving, repairing, lighting, or watching the said Bridge.

Accounts to be kept separate from others.

XLI. Provided always, and be it further enacted, That all Accounts touching or concerning the said Tolls, or the Collection thereof, and also touching or concerning all Works and Business to be made or done by, with, or out of, the said Tolls, Rates, or Duties, or any Money to be borrowed or raised on the Credit thereof as aforesaid, shall be kept by the Treasurer or Treasurers to the said Trustees, who shall and may, from Time to Time, examine all such Accounts as aforesaid, and ascertain the Amount of the Sum and Sums of Money which shall be remaining due or owing, and the Amount of the Sum or Sums which shall have been from Time to Time received from or in respect of the said Tolls or Duties respectively, under or by virtue of the Powers and Authorities herein contained, or any of them, and of the Application and Expenditure thereof, that it may be fully and clearly known when the said Tolls, Rates, or Duties shall cease.

An Account to be stated by Trustees annually, and filed

XLII. And be it further enacted, That some Time between the First Day of *August* and the First Day of *September*, in every Year, during the Continuance of this Act, the said Trustees shall cause a fair and just Account to be made out of all Monies received and paid by them or by their

Order or Direction, by virtue or in purſuance of this Act, and how, and to or from whom and for what Purpoſe the ſame ſhall have been received, paid, or expended; and Copies of every ſuch Account ſhall be ſigned by the ſaid Truſtees, or any Five or more of them, and one of ſuch Copies ſhall be filed annually with the Clerk of the Peace, at the *Michaelmas* General Quarter Seſſions of the Peace to be held in and for the ſaid City and County of the City of *Lichfield*, and another of ſuch Copies with the Clerk of the Peace at the ſame General Quarter Seſſions of the Peace to be held in and for the County of *Stafford*, to the End that all Perſons, at all ſeaſonable Times, may have Liberty to peruſe and inſpect the ſame, and to take Copies and Extracts therefrom, at their Will and Pleaſure, paying the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and after the Rate of Sixpence for every One hundred Words of ſuch Copies or Extracts. with the Clerk of the Peace.

XLIII. Provided always, and be it further enacted, That the ſaid Truſtees ſhall, and they are herebydirected and required, after paying and diſcharging the Expences of collecting and receiving the ſaid Tolls, the Repairs of the Toll Gate and Toll Houſe, and the Intereſt of the Debt incurred, to apply, from Time to Time, the Remainder of the ſaid Tolls in diſcharge of the Money to be borrowed in purſuance of this Act. Application of Tolls.

XLIV. And be it further enacted, That as ſoon as the ſaid Bridge ſhall be built, completed, and paved, and rendered fit for the Paſſage of Horſes, Carriages, and Cattle, the Right and Property of and in the ſaid Bridge, with the Walls and Fences belonging thereto, ſhall be veſted in the Commiſſioners appointed for putting in Execution the ſaid recited Act of the Forty-ſixth Year of the Reign of His preſent Majeſty, and ſhall, after the ſame ſhall have been erected as aforeſaid, from Time to Time, and at all Times for ever be repaired, maintained, and ſupported by the Commiſſioners, out of the Rates or Aſſeſſments, or other Monies to be received by them by virtue of the ſaid recited Act, or otherwiſe howſoever, in the ſame Manner as the ſaid Bridge would have been liable to be repaired, maintained, and ſupported by them, in caſe this Act had not been made. Bridge to be veſted in the Commiſſioners of the Paving Act, who are to maintain the ſame.

XLV. Provided always, and be it further enacted, That in caſe the ſaid Bridge ſhall not be completed within Five Years from the paſſing of this Act, all the Powers and Authorities hereby given ſhall then ceaſe and determine, ſave and except only as to ſo much of the ſaid Bridge as ſhall have been completed within ſuch Period. If Bridge is not completed in Five Years, Act to ceaſe.

XLVI. And it is hereby further enacted, That all Penalties and Forfeitures by this Act impoſed (the Manner of recovering and levying whereof is not hereby otherwiſe particularly directed) ſhall be recovered and levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Juſtice or Juſtices of the Peace of the County, City, or Place, where the Offence ſhall be committed or the Offender found, which Warrant ſuch Juſtice or Juſtices are hereby empowered and required to grant, upon the Confeſſion of the Party or Parties, or upon Information of One or more credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice or Juſtices is and are hereby empowered to adminiſter), and ſuch Penalties and Forfeitures, when recovered, after rendering the Overplus (if any there be) upon How Penalties and Forfeitures are to be levied and applied.

upon Demand, to the Party or Parties, whose Goods and Chattels shall be distrained and sold, (the Charges of such Distress and Sale being first deducted), shall be paid to the Treasurer or Treasurers to the Trustees for putting this Act into Execution, and be applied One Moiety thereof to the Informer, and the other Moiety towards the Purposes of this Act; and in case sufficient Distress shall not be found, then it shall and may be lawful to and for any such Justice or Justices to commit such Offender to the House of Correction, without Bail or Mainprize, for any Time not exceeding Sixty Days.

Distress not to be deemed unlawful.

XLVII. And be it further enacted, That 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, Default, or Want of Form in any Proceeding relating thereto, nor shall the Party or Parties be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity, which shall be afterwards done by the Party or Parties distraining.

Form of Conviction.

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

'to wit. BE it remembered, That on the Day of in the Year of our Lord *A. B.* is 'convicted before me *C. D.* One of His Majesty's Justices of the Peace 'for of (specifying the Offence, 'and Time and Place when and where the same was commited, as the 'Case shall be). Given under my Hand and Seal the Day and Year first 'above mentioned.'

Proceedings not to be vacated for Want of Form, nor removed by Certiorari.

XLIX. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or any other Matter or Thing to be done or transacted, in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only, or be removed or 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 notwithstanding.

Appeal.

L. Provided always, and be it further enacted, That if any Person or Persons, Bodies Politic or Corporate, shall think himself, herself, or themselves aggrieved by any Order or Determination of any Justice or Justices of the Peace, he, she, or they may appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace to be holden for the City and County of the City of *Lichfield*, within Four Calendar Months next after such Order or Determination of the said Trustees, such Appellant giving, or causing to be given, Fourteen Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Trustees, and within Four Days next

after ſuch Notice entering or cauſing a Recognizance to be entered into before ſome Juſtice of the Peace acting in and for the ſaid City, with Two ſufficient Perſons or Sureties conditioned to try ſuch Appeal, and abide the Order thereon, and to pay ſuch Coſts as ſhall be awarded by ſuch Juſtices at ſuch General Seſſions; and ſuch Juſtices, upon due Proof of Notice being given as aforeſaid, and of entering into ſuch Recognizance, ſhall hear and determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and ſhall or may mitigate any Fine, Penalty, or Forfeiture, which ſhall have been levied in purſuance of this Act, and may alſo order ſuch further Satisfaction to be made to the Party injured, as the ſaid Juſtices ſhall think proper, and the Determination of ſuch Juſtices at their ſaid General Seſſions ſhall be binding and concluſive.

Limitation of Actions.

LI. Provided always, and be it further enacted, That no Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty Days Notice ſhall have been given thereof to the Clerk of the Truſtees for putting this Act into Execution, or after a ſufficient Satisfaction or Amends or Tender thereof ſhall have been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, and every ſuch Action or Suit ſhall be laid or brought in the County in which ſuch Fact ſhall be done or committed, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſo to be brought, ſhall and may, at his, her, or their Election, plead ſpecially, or the General Iſſue Not Guilty, 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 ſo to be done, or that ſuch Action or Actions ſhall be brought before Twenty Days Notice ſhall be thereof given as aforeſaid, or after a ſufficient Satisfaction or Amends made or tendered as aforeſaid, or after the Time herein-before limited for bringing the ſame as aforeſaid, or ſhall be laid in any other County or Place than where the Fact was done or committed, that then the Jury ſhall find a Verdict for the Defendant or Defendants in ſuch Action or Actions; or if the Plaintiff or Plaintiffs ſhall be nonſuited, or have diſcontinued his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, upon an Affidavit made, or Certificate of the Judge before whom ſuch Cauſe ſhall be tried, whereby it ſhall appear that ſuch Suit was proſecuted againſt ſuch Defendant or Defendants, for any Matters contained in or authorized by this Act, or the ſaid recited Act, and ſhall have ſuch Remedies for the ſame as any other Defendant or Defendants hath or have, or may have, by Law in other Caſes.

General Iſſue.

Treble Coſts.

Public Act.

LII. 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.

Period of Continuance of Tolls.

LIII. And be it further enacted, That this Act ſhall continue and be in full Force and Effect, and the Tolls hereby created or made payable for the Time being as aforeſaid ſhall be payable and have Continuance for the Term of Twenty-one Years, and from thence to the End of the then next

next Seſſion of Parliament, unleſs the ſaid Sum of Two thouſand five hundred Pounds, and the Intereſt thereof, and the Coſts and Charges of borrowing the ſame, ſhall be ſooner paid off and diſcharged.

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