ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

Cap. lxv.

An Act for building a Bridge over the River *Dove* at *Rocester* in the County of *Stafford*.

[4th *July* 1838.]

WHEREAS the Communication between the Counties of *Stafford* and *Derby* across the River *Dove* at the Village of *Rocester* is inconvenient and dangerous, and the Erection of a Bridge, with proper Approaches thereto, whereby all Persons could at all Times pass over the said River, would be of great public Utility: And whereas the several Purposes aforesaid cannot be beneficially 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 Queen'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 the Honourable *Charles Harcourt Butler Clarke*, *Southwell Wandesford*, Sir *Robert Wilmot* Baronet, Sir *George Chetwynd* Baronet, Sir *Henry Fitzherbert* Baronet, *Charles Savage Landor* Clerk, *William Evans*, *Thomas Houldsworth*, *William Blount*, *John Mee Mathew*, *Henry Chawner*, *Clement Francis Broughton* Clerk, *Thomas Gilbert* the younger, *Edward Davis Davenport*, *George Hall* Clerk, *Court Granville*, *Thomas Fitzherbert*, *Thomas G Copestake*, *Bromley*, *Thomas Weston*, *Trevor Yates*, *Thomas Augustus Yates*, *Joseph Bladon*, *James Orton*, *James*

Commissioners appointed.

James Orton Tibbits, Robert Blurton, John Pike Jones Clerk, *Nicholson, Thomas Tibbits, Richard Laughton, William Atkins, John Wood, Thomas Carrington, William Smith, William Webb, William Webb* the younger, *John Minor, William Bowyer, Henry Arnold, Henry Arnold* the younger, *William Arnold, William Arnold* the younger, *Thomas Arnold, Luke Sampson, Luke Sampson* the younger, *Charles Mountnay, George Alsop Bainbrigge, Thomas Alsop Bainbrigge, Edward John Blair, Benjamin Frear, James Blythe Simpson, William Wragg, George Orton, Thomas Wood,* and *Joseph Wood,* and their Successors, to be elected in manner herein-after mentioned, shall be, and they are hereby appointed Commissioners for carrying this Act into execution.

Rules for the Interpretation of this Act.

II. And be it further enacted, That where in this Act any Word shall be used importing the Singular Number or the Masculine Gender only, the same shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Male; and where the Word Land or Lands shall be used the same shall be understood to include Tenements and Hereditaments; and where the Words Corporation or Corporations, or either of them, shall be used, the same shall be understood to mean any Body or Bodies Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Qualification of Commissioners.

III. And be it further enacted, That no Person in this Act named shall be capable of acting, nor shall any Person hereafter be capable of being elected, or if elected be capable of acting, as a Commissioner for the Purposes of this Act, unless he shall be, either in his own Right or in the Right of his Wife, in the actual Possession or in the Receipt of and Enjoyment of the Rents and Profits of Freehold or of Copyhold or Customary Lands, Tenements, or Hereditaments, and whether held for a Life or Lives or otherwise, of the clear yearly Value of Thirty Pounds above Reprizes, or be possessed of a Personal Estate of the Value of One thousand Pounds after Payment of his Debts.

Commissioners to make a Declaration before they act.

IV. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in administering or making the Declaration or Affirmation herein-after mentioned) until he shall at some Meeting to be held under the Authority of this Act have made and subscribed a Declaration or have made an Affirmation in the Form or to the Effect following; (that is to say,)

Form of Declaration.

'I *A. B.* do solemnly and sincerely declare [*or, being a Quaker,* do solemnly affirm], That I am in my own Right [*or* in the Right 'of my Wife, *or* conjointly in Right of myself and Wife, *as the* '*Case may be,*] in the actual Possession of [*or* in the Receipt and 'Enjoyment of] the Rents and Profits of Freehold [*or* of Copyhold 'or Customary] Lands, Tenements, *or* Hereditaments held for a 'Life *or* Lives, *or* in which I am [*or* one of us is] entitled to some

'Estate

'Estate of Inheritance of the clear yearly Value of Thirty Pounds 'above Reprizes [*or* that I am possessed of a Personal Estate of the 'Value of One thousand Pounds clear of all Deductions], and that 'I will faithfully and impartially, according to the best of my 'Judgment, execute and perform the Powers and Authorities 'reposed in me as a Commissioner by virtue of an Act passed in the 'First Year of the Reign of Her present Majesty *Victoria* the First, 'intituled [*here set forth the Title of this Act*]; and I make this solemn 'Declaration conscientiously believing the same to be true.'

And any Person who shall wilfully and wrongfully make and subscribe any such Declaration or Affirmation, knowing the same to be untrue in any Particular, shall be deemed guilty of a Misdemeanor, and be punished accordingly; and the Declaration or Affirmation herein-before required to be taken or made shall and may be administered by any one of the said Commissioners hereby named and appointed for the Purposes of this Act.

Commissioners may build or contract for building the Bridge.

V. And be it further enacted, That it shall be lawful for the said Commissioners to erect or cause to be erected a Bridge of Stone, Iron, Bricks, or other durable Materials across the River *Dove*, at or near to *Rocester* in the County of *Stafford*, to the opposite Shore of the said River, and to form proper Approaches to and from the said Bridge in the Counties of *Stafford* and *Derby* respectively when made, and to contract with any Person or Persons for executing such Works or any of them for such Sums of Money as such Commissioners shall think proper; and all Contracts made by the said Commissioners shall be in Writing, and signed by them and the other contracting Parties; and that it shall be lawful for the said Commissioners, and all and every other Person and Persons so contracting with them to build the said Bridge, or to do any Work connected therewith, his, her, and their Tenants and Workmen, to dig and make proper Foundations in the said River, and on the Lands on each Side thereof, for the Piers and Abutments of the said Bridge; and to cut, widen, and level the Banks of the said River in such Manner as shall be necessary and proper for building the said Bridge; and to cut, remove, and take away all Trees, Roots of Trees, Posts, or Erections in or over the said River, and all Piles, Stones, Beds of Gravel, Sand, Mud, or or any other Impediment or Obstruction whatsoever ot the Waterway free Course of the said River within Two hundred Yards of the Site of the said Bridge, and to get Sand and Gravel from other Parts of the said River within Two hundred Yards of the said Bridge for the Purposes of the said Bridge and Approaches; and from Time to Time and at all Times hereafter to do all other Matters and Things necessary or convenient for erecting, maintaining, repairing, and supporting the said Bridge and the Approaches leading thereto, and for executing the Purposes of this Act, they the said Commissioners or their Agents or Servants doing as little Damage thereto as may be.

Power to stop the Ford.

VI. And be it further enacted, That when the said Commissioners under this Act shall have erected the Bridge, and shall have opened the same for the Use of the Public, it shall be lawful for the said Commissioners to make an Order to stop up the Ford through the said

said River *Dove* at *Rocester*, and to make the River deeper a that Part, and to slope the Banks of the said River, and to affix proper Fences against the same, for the Purpose of preventing the said Ford being used, and to remove all Erections in or over the said River, and all Obstructions to the free Course of the same, within Two hundred Yards of the said Ford, as a Road or Way across the said River; and it shall be lawful for the said Commissioners and they are hereby required to affix proper Fences on both Sides the Road and Approaches to the said Bridge to be built in pursuance of this Act; and the Road or Roads in the Parishes of *Rocester* and *Marston Montgomery* leading to the said Ford, and which by the making of the said Bridge and Approaches will become useless and unnecessary, shall thenceforth remain the Soil of the Parties who are entitled to the adjoining Freehold Lands and Premises through which the Road now leads; and it shall not be lawful for any other Person or Persons to erect or use any other Bridge (except the Owners of the Lands on both Sides of the said River who now have or may hereafter erect a Bridge for Foot Passengers only), or to make any other Ford over the River, within the Distance of Half a Mile from the said Bridge so to be erected at *Rocester* under the Powers and Authorities of this Act: Provided nevertheless, that no such Road shall be discontinued, stopped up, diverted, turned, or altered without the Sanction of Two Justices of the Peace for the respective Counties of *Stafford* and *Derby*, not interested in the Premises, such Sanction to be made upon such Justices being satisfied that the Bridge and Approaches hereby authorized to be built and made are sufficiently completed for the Passage of the Public.

Commissioners may contract for Works.

VII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized, in the Name of the said Commissioners, or of such Person as they shall for that Purpose appoint, to contract and agree with any Person or Persons for constructing the said Bridge and Approaches or any Parts thereof respectively, and that in such Manner and for such Sums and under such Regulations and Restrictions as the said Commissioners shall think proper; and all Contracts in Writing for any of the Purposes aforesaid shall be binding on the said Commissioners, and all other Parties thereto, their respective Successors, Heirs, Executors, and Administrators; and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the said Contractor or Contractors or other Person or Persons, or any of the Parties failing in the Execution thereof.

To prevent Nuisances on the Bridge, &c.

VIII. And be it further enacted, That if any Person shall ride upon any Footpath by the Side of the said Bridge or of either of the said Approaches, or shall lead or drive any Horse, Beast, Cattle, Swine, or Carriage of any Description, or run or carry thereon any Wheelbarrow, Truck, Sledge, or any single Wheel of any Waggon, Cart, or other Carriage apart therefrom, or roll any Cask or Tub upon any such Footpath, or shall cause any Injury or Damage to be done to the same, or the Walls, Posts, Rails, or Fences thereof, or shall haul or draw or cause to be hauled or drawn upon any Part of such Bridge, or of either of the said Approaches thereto, any Timber,

Stone, or other Thing otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried principally or in part upon wheeled Carriages to drag or trail upon such Bridge or either of the said Approaches thereto; or if any Person shall leave any Waggon, Wain, Cart, or other Carriage upon such Bridge or either of the said Approaches thereto, or on the Side or Sides thereof, without some proper Person in the sole Custody or Care thereof, or longer than may be necessary to load or unload the same (except in Cases of Accident), or shall not place such Waggon, Wain, Cart, or Carriage during the Time of loading or unloading the same, or of taking Refreshment, as near to one Side of the said Bridge or Approaches as conveniently may be, either with or without any Horse, Beast, or Cattle harnessed or yoked thereto, or shall wilfully obstruct the Passage of any Passenger or of any Carriage, Horse, Beast, or Cattle thereon; or shall lay any Timber, Hay, Stone, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever upon any Part of such Bridge or either of such Approaches thereto, to the Annoyance, Interruption, or personal Danger of any Person travelling thereon; or shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever to run or flow in or upon such Bridge or either of such Approaches from any Premises adjacent thereto; or if the Driver of any Waggon, Cart, or other such like Carriage shall on the said Bridge or either of the said Approaches ride on the Shafts or in or upon any Part of such Waggon, Cart, or other Carriage without proper Reins to the Horses or Cattle drawing the same; or if any Person riding any Horse, Beast, or Cattle, or driving any Sort of Carriage, shall ride or drive the same furiously, so as to endanger the Person of any Passenger; or if the Driver of any Carriage meeting any other Carriage shall not keep his or her Carriage on the Left or Near Side of the Road, or shall in any Manner wilfully prevent any Person from passing him or her in any Carriage under his or her Care on the said Bridge or on either of the said Approaches thereto, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage of any of Her Majesty's Subjects on the said Bridge or Approaches thereto, or either of them, or shall suffer any Stage Coach, Diligence, Post Chaise, or other Carriage let to Hire to remain longer than may be necessary for the taking up or setting down of any Passenger; or if any Person shall allow any Oxen, Sheep, Lambs, Calves, Swine, or other Cattle or Beast to remain longer upon the said Bridge or Approaches than whilst passing along the same, or shall by loitering or remaining on such Bridge or Approaches, or either of them (without some reasonable Cause); or if any Person or Persons 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 other Firework whatsoever, upon the said Bridge, or within Eighty Feet thereof, or commit any other Nuisance or Annoyance, or in any other Manner obstruct or impede the free Passage of such Bridge or Approaches, or either of them; every Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Two Pounds, at the Discretion of Two or more Justices of the Peace for the County in which such Offence shall be committed, over and above the Damages occasioned thereby; and it shall be lawful for any Officer appointed by virtue of this Act, and

for any Constable, to take away and remove any of the before-mentioned Obstructions and Nuisances, in case the Party occasioning the same shall not remove the same within a reasonable Time after having been required to do so by any Person whomsoever.

Bridge to be deemed a public Bridge.

IX. And be it further enacted, That after the said Bridge shall have been completed the same shall be a public Bridge, and all Persons, with or without Horses, Beast, Cattle, or Carriages, shall have free Liberty, upon Payment of the Tolls by this Act granted, to pass over the same without any Interruption whatsoever; but such Bridge shall not be deemed or taken to be a County Bridge, so as to subject the said Counties of *Stafford* and *Derby*, or either of them, to repair the same, or any of the Approaches by this Act authorized to be made to such Bridge.

Vesting the Bridges &c. in the Commissioners.

X. And be it further enacted, That the Right and Property of, in, and to the said Bridge, and any temporary Bridge, Turnpikes, Toll Gates, or Toll Bars, Toll Houses, and other Buildings to be erected by virtue of this Act, together with the Land, Ground, Fences, and Appurtenances thereto respectively belonging, and of, in, and to all Gates, Posts, Rails, Watchboxes, Tables of Tolls, Lamps, Lamp Irons and Posts, Goods, Chattels, and Things to be erected and provided in pursuance of this Act, and all Materials and Things connected therewith, and of, in, and to all Materials, Tools, Implements, and Things which are or shall be provided for making or repairing the said Bridge, Avenues, or Approaches, or any of them, by virtue of this Act, shall be vested in the said Commissioners, and they are hereby empowered to cause any Action or Actions to be brought, and any Bill or Bills of Indictment to be preferred or other legal Proceedings taken, against any Person who shall steal, break down, take away, destroy, injure, damage, or spoil the said Bridge, Materials, Goods, Chattels, and Things, or any such Turnpike, Toll Gate, or Toll Bar, Toll House, or other Building, Fence, Tables of Tolls, Lamps, Lamp Irons or Posts, or any of such Materials, Tools, Implements, or Things as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions, Bills of Indictment, and legal Proceedings respectively it shall be sufficient to state generally that the Article or Articles, Thing or Things, Goods or Chattels for which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, or other legal Proceedings taken, as the Case may be, is or are the Property of the Commissioners for executing the Purposes of this Act, without particularly mentioning or specifying the Name or Names of all or any of the said Commissioners.

Power to take Lands, &c.

XI. And be it further enacted, That for the Purposes of constructing the said Bridge and Approaches, and any Toll Houses and other Houses and Buildings which may be necessary for the Purposes of this Act, and subject to the Provisions and Restrictions of this Act, it shall be lawful for the said Commissioners, and their Agents and Workmen, and all other Persons by them authorized, and they are hereby empowered, to dig and make Foundations in the said River *Dove* on the said Line or Course described in the Map or Plan of the said Bridge, and of the Approaches thereto, as deposited in the Private Bill Office of the House of Commons, and to erect Dams and Embank-

Embankments in the said River, and to cut and remove all Beds of Gravel, Sand, and Mud, and all other Impediments whatsoever therein; and also for the several Purposes of this Act to enter into and upon the Lands of any Person or Corporation whatsoever, and to survey and take Levels of the same or of any Part thereof, and to set out and appropriate, for the several Purposes of this Act, such Parts thereof as they are by this Act empowered to take or use, in or upon such Lands, or any Lands adjoining thereto, or within Two hundred Yards thereof; to bore, cut, take, fetch, carry, and remove or lay, and also to use, work, and manufacture, any Clay, Earth, Stone, Rubbish, Pebbles, Trees, Gravel, or Sand, or any other Materials or Things, which may be dug or obtained therein, or otherwise in the Execution of any of the Powers of this Act, and which may be proper or necessary for constructing, making, maintaining, altering, repairing, or using of the said Bridge and Approaches and other Works by this Act authorized, or which may obstruct the constructing, making, maintaining, altering, repairing, or using the same respectively, according to the true Intent and Meaning of this Act, and as the said Commissioners shall think proper; and also from Time to Time to alter, repair, or discontinue the before-mentioned Works, or any of them, and to substitute others in their Stead; and also to purchase, take down, and remove, or to alter or rebuild, for the Purposes of this Act, all or any of the Messuages, Lands, Buildings, and Hereditaments mentioned and described in the Schedule to this Act annexed, or intended so to be, and generally to do and execute all other Matters and Things necessary or convenient for constructing, making, maintaining, altering, or repairing and using the said Bridge and Approaches and other Works by this Act; authorized they the said Commissioners, their Agents and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Commissioners making full Satisfaction in manner herein-after mentioned to all Persons and Corporations interested in any Lands which shall be taken, used, or injured for all Damage to be by them sustained in or about the Execution of all or any of the said Powers hereby granted; and this Act shall be sufficient to indemnify the said Commissioners and all other Persons for what they or any of them shall do by virtue of the Powers by this Act granted, subject nevertheless to such Provisions and Restrictions as are herein-after mentioned and contained.

Persons under legal Disability empowered to sell and convey Lands, &c.

XII. And be it further enacted, That after any Lands or Hereditaments intended to be taken or used for the Purposes of this Act shall have been set out and ascertained it shall be lawful for all and every Corporations and Corporation, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Churchwardens, Overseers of the Poor, Trustees and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and other Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, could have done by Law under the Powers of this Act, in case they had been sole, of full

Age,

Age, and of sound Mind, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and to and for all Femes Covert seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in, and for all and every other Persons or Person whomsoever seised or possessed of or interested in, any such Lands and Hereditaments, to contract for the Sale and Conveyance of and to sell and convey the same, or any Part thereof, unto the said Commissioners; and all such Contracts, Sales, and Conveyances shall be made at the Expence of the said Commissioners, and may be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; (that is to say,)

Form of Conveyance.

'I [*or* We, *as the Case may be*,] of in consideration of the Sum of to me [*or as the Case may be*] paid by the Commissioners of the *Rocester Bridge* and Approaches appointed by or under or by virtue of an Act passed in the First Year of the Reign of Her Majesty *Victoria* the First, intituled [*here set forth the Title of this Act*], do hereby convey to the said Commissioners and their Successors all [*here set forth the Property to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all such Estate or Interest therein as I [*or* we] am [*or* are] or shall become seised or possessed of, or am by the said Act capacitated or empowered to convey, to hold the said Hereditaments and Premises, with the Appurtenances, unto the said Commissioners and their Successors for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal the Day of in the Year of our Lord One thousand eight hundred and thirty-eight [*as the Case may be*].'

Such Conveyances to be valid.

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

Lands bought of any Corporation or Person under any Disability to be valued by Two Surveyors or their Umpire.

XIV. Provided always, and be it further enacted, That the Consideration Money to be paid for any Lands or Hereditaments to be purchased from or conveyed by any Corporation, or any Person under any Disability or Incapacity as aforesaid, or not having Power to sell except under the Provision herein-before contained, shall in no Case be less than such Sum as the same shall be valued at by Two able practical Surveyors, one of whom shall be nominated by the said Commissioners, and the other by the Person or Corporation contracting or agreeing to sell the same; and if such Two Surveyors shall not agree in the Valuation thereof, then by such Third Surveyor as any Two Justices acting for the County or Counties respectively in which

which the Lands or Hereditaments shall be situated shall for that Purpose nominate; and each of the said Two Surveyors, if they shall agree in and make their Valuation, or if not then the Surveyor so to be nominated by the Justices as aforesaid, shall annex to their or his Survey, Estimate, or Valuation, when completed, a Declaration of the Correctness thereof.

Power to purchase the Release of Lands wanted from Rents charged thereon.

XV. And be it further enacted, That where any Lands intended to be purchased by the said Commissioners for the Purposes of this Act shall be subject solely, or jointly with other Lands not intended to be purchased, to or with any Rent-service, Rent-charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Commissioners to agree for the Release of the Lands so purchased or intended to be purchased from such Rent, Payment, or Incumbrance, and also (where necessary) for an Apportionment of such Rent, Payment, or Incumbrance, for such Sum as shall be agreed upon between the said Commissioners and the Party who under the Provisions of this Act shall agree to sell or apportion the same, and which Agreement may be entered into by all Corporations and other Persons by this Act authorized to sell or convey Lands; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Lands is by this Act directed to be settled in case of Dispute as to the Value thereof, which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Lands intended to be purchased, and shall also (where necessary) apportion the Rent, Payment, or Incumbrance affecting the Lands jointly subject to Rent, Payment, or Incumbrance as herein-before mentioned, according to the respective Value of the Lands intended to be purchased by the said Commissioners; and all Contracts, Conveyances, and Assurances which shall be made by and between the said Commissioners and any such Party as aforesaid respecting such Release, and which may be of the like Forms as by this Act are directed to be used in the Case of Conveyance of Lands, shall be valid and effectual in the Law, and shall extinguish the Whole or a proportionate Part of such Rent, Payment or Incumbrance (as the Case may be): Provided always, that when any of the Lands purchased by the said Commissioners shall be released from any Rent, Payment, or Incumbrance affecting the same jointly with other Lands not purchased by the said Commissioners, such last-mentioned Lands shall be charged only with the Remainder of such Rent, Payment, or Incumbrance; and such Apportionment shall not prejudice the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released it shall be lawful for the said Commissioners, or for any Five or more of them, on Tender for that Purpose of any Deed or Instrument creating or transferring such Rent, Payment, or Incumbrance, to sign their Names to a Memorandum endorsed on such Deed or Instrument declaring what Part of the Lands originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this

Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of Law of the Facts therein stated, and shall not exclude any other Evidence of the same Facts.

Mortgagees to convey to Commissioners.

XVI. And be it further enacted, That all Persons and Corporations having any Mortgage on any Lands and Premises to be taken for the Purposes of this Act (and whether entitled thereto in their own Right or in Trust for any other Person, and whether in Possession thereof by virtue of such Mortgage or not) shall, on Tender of the Principal Money and Interest due thereon, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Commissioners or their recognized Solicitor or Agent, immediately assign and transfer such mortgaged Premises to the said Commissioners, or to such Person as they shall appoint, and which Assignment and Transfer may be of the like Form as the Conveyance by this Act directed to be made in Cases of Conveyance of Lands, or as near thereto as the Case will permit; or in case such Mortgagees shall have Notice in Writing from the said Commissioners that they will pay off the Principal Money and Interest which shall be due on the said Mortgage at the End or Expiration of Six Calendar Months (to be computed from the Day of giving such Notice), that at the End of such Six Calendar Months, or at any intermediate Period, on the Payment or Tender of the Principal Money and Interest so due, together with any just Costs then due, such Mortgagees shall convey, assign, and transfer their respective Interests in the mortgaged Premises to the said Commissioners, or as they shall direct; and in case any such Mortgagee shall refuse to convey, assign, or transfer as aforesaid on such Tender or Payment, then, on Deposit of the Principal and Interest of such Mortgage Money as herein-after mentioned, all Interest on every such Mortgage Debt shall from thence cease and determine: Provided always, that in case any such Mortgagee shall neglect or refuse to assign or transfer as aforesaid, then, upon Payment of the Principal Money and Interest, and the Costs (if any) due on any such Mortgage as aforesaid, into the Bank of *England* at or at any Time after the End of Six Calendar Months from the Day of giving such Notice, and, in addition to the said other Monies, of Six Calendar Months Interest in advance for the Use of such Mortgagee, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in case of other Payments into the said Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him, shall vest in the said Commissioners, and the said Commissioners shall be deemed to be in the actual Possession of the Premises and Estate comprised in such Mortgage to all Intents and Purposes whatsoever.

Directing in what Manner Disputes between the

XVII. And be it further enacted, That in all Cases in which any Land subject to any Mortgage or Mortgages shall be required for the Purposes of this Act, which Land shall be of less Value than the Principal

Principal Monies, Interest, and Costs secured thereon, or in which a Part only of any Lands subject to any Mortgage or Mortgages shall be required for the Purposes of this Act, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Lands to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, and all Costs, the Value of such Lands, or, as the Case may be, of such Part of the said Lands as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee or Mortgagees and the Person or Persons entitled to the Equity of Redemption of such Lands on the one Part, and the said Commissioners on the other Part; and in case of any Difference between them then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee or Mortgagees, or his or their recognised Agent or Solicitor, in satisfaction of his or their Claim, so far as the same will extend, and such Mortgagee or Mortgagees respectively shall thereupon convey, assign, and transfer all his or their Interest in such mortgaged Lands, the Value whereof shall so have been agreed upon or determined as aforesaid; or in case of neglecting or refusing to convey, assign, or transfer as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England* to the Credit of such Mortgagee or Mortgagees, or into the Bank as last aforesaid, shall be and be accepted in satisfaction of the Claim of such Mortgagee or Mortgagees, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and Interest and other Money due or secured thereon, and thereupon such mortgaged Lands shall become absolutely vested in the said Commissioners, and the said Commissioners shall be deemed to be in actual Possession thereof to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers or Remedies for recovering or compelling Payment of their Mortgage Money and the Residue thereof (as the Case may be), and the Interest due thereon respectively, upon and out of the Residue of the mortgaged Lands not required for the Purposes aforesaid, as they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage: Provided also, that when a Part only of any Lands subject to any Mortgage or Mortgages shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Lands so taken shall, on the Conveyance or Assignment thereof to the said Commissioners, have been paid to the Mortgagee or Mortgagees thereof in part Satisfaction of his or their Mortgage Debt, a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage at the Time of executing such Conveyance or Assignment to the said Commissioners, and shall be signed by such Mortgagee or Mortgagees, and a Copy of such Memorandum shall at the same Time, if required, be fhrnished by the said Commissioners

Commissioners and certain Mortgagees shall be settled.

Commissioners, at their Expence, to the Person entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

Satisfaction to be made for Lands taken for Works.

XVIII. And be it further enacted, That all and every Corporations or Corporation, and other Parties by this Act capacitated to sell and convey Lands, or to release Lands from Rents and other Incumbrances charged thereon, and the respective Owners and Occupiers of any Land in, through, or upon which the Works by this Act authorized are intended to be constructed or made, may agree to accept and receive, and may, subject to such Restrictions as in this Act contained as to the Payment thereof, accept and receive Satisfaction for the Value of such Lands, or of the Interest therein by them conveyed, and also Compensation for any Damage by them sustained by reason of the Execution of any of the Works by this Act authorized, and also by reason of the severing or dividing such Lands, and also for and on account of any Damage, Loss, or Inconvenience which may be sustained by such Corporations or other Parties by reason of the Execution of any of the Powers of this Act, in such gross Sums as shall be agreed upon between the said Owners (including Persons hereby capacitated as aforesaid) and Occupiers respectively and the ssid Commissioners; and in case the said Commissioners and such Parties respectively shall not agree as to the Amount or Value of such Purchase Money, Satisfaction, or Compensation, the same respectively, or either of them, concerning which they do not so agree shall be ascertained and settled by the Verdict of a Jury, if required, as herein-after is directed.

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

XIX. And for settling all Differences which may arise beween the said Commissioners and the several Owners (including Persons by this Act capacitated as aforesaid) and Occupiers of or other Persons interested in or entitled to any Lands which shall or may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it further enacted, That if any Corporation, Trustee, or other Person so interested or entitled, and capacitated to sell, agree, or convey as aforesaid, shall not agree with the said Commissioners as to the Amount of such Purchase Money or Satisfaction or other Compensation as aforesaid; or if any of the Parties entitled to receive such Purchase Money or Satisfaction or other Compensation as aforesaid shall refuse to accept such Purchase Money or Satisfaction or other Compensation aforesaid as shall be offered by the said Commissioners, and shall give Notice thereof in Writing to the said Commissioners within One Calendar Month next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury; or if any of such Parties as aforesaid shall, for the Space of One Calendar Month next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Corporation, or to any of such Trustees or Persons respectively, or left at his last or usual Place of Abode, neglect or refuse to treat or shall not agree with the said Commissioners for the Sale or Conveyance of their respective Estates or Interests, or the respective Estates or Interests which they respectively are hereby capacitated to convey therein, or shall by reason of any

Impediment or Disability not provided for by this Act, or by reason of Absence or otherwise, be incapable of or prevented from making such Agreement or Conveyance as shall be necessary or expedient for enabling the said Commissioners to take such Lands, or proceed in constructing the Works by this Act authorized, or shall not disclose and prove the State of the Title to the Premises of which they may respectively be in Possession, or of the Share, Interest, or Charge which they may claim to be entitled unto or interested in; or in any other Case where Agreement for Compensation for Damage incurred in the Execution of this Act, or for the Purchase of Lands required for the Purposes of this Act, or for the Apportionment of any such Charge as aforesaid, cannot be made; then and in every such Case the said Commissioners shall and they are hereby required from Time to Time to issue a Warrant, under the Hands of any Three or more of them, to the Sheriff of the County in which the Premises in question shall be situate or the Matter in dispute shall arise, or in case such Sheriff or his Under Sheriff shall be one of the said Commissioners, or enjoy any Office of Trust or Profit under them, or shall be in any ways interested in the Matter in question, then to any of the Coroners of such County not interested as aforesaid, commanding such Sheriff or Coroner to impannel, summon, and return, and the said Sheriff or Coroner is hereby accordingly empowered and required to impannel, summon, and return, a Jury of at least Twenty-four sufficient and indifferent Men qualified according to the Laws of this Realm to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*; and the Persons so to be impannelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, or Coroner at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impannelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, or Coroner or other Person, or by some Person to be by them respectively appointed, in such Manner as Juries for Trials of Issues joined in Her Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid such Sheriff, Under Sheriff, or Coroner shall return other honest and indifferent Men of the Standers-by, or of others that can be speedily procured to attend that Service, (being so qualified as aforesaid,) to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, or Coroner is hereby empowered and required to summon before him all such Persons as shall be thought necessary to be examined as Witnesses touching the Matters in question, and may authorize or order the said Jury, or any Three or more of them, to view the Place or Matter in controversy; such Jury shall upon their Oaths, or, being Quakers, upon their Affirmations, (which Oaths and Affirmations, as well as the Oaths and Affirmations of all such Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, or Coroner is hereby empowered and required to administer,) inquire of and assess and give a Verdict for the Sum of Money to be paid for the Purchase of such Lands or of such

Interest therein as shall be in question, except for such Interest thereon as shall have been of right purchased by the said Commissioners from any other Person, and also the Sum of Money to be paid by way of Satisfaction or Compensation either for the Damages which shall before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damages to be so done or sustained as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said Commissioners, and which cannot or will not be further wholly obviated, removed, or repaired by them; which Satisfaction or Compensation for such Damage or Loss shall be inquired into and assessed separately and distinctly from the Value of the Lands so to be taken or used as aforesaid, or the Appointment of the Charge in question, as the Case may require; and the said Sheriff, Under Sheriff, or Coroner shall accordingly give Judgment for such Purchase Money, Satisfaction, or Compensation or Apportionment as shall be assessed by such Jury: Provided always, that in such Inquiry as aforesaid the Person or Corporation claiming Compensation shall be Plaintiff, and shall have all such Rights and Privileges as Plaintiffs in Actions at Law are entitled to: Provided always, that not less than Four Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Commissioners to the Party with whom any such Controversies shall arise, either by delivering such Notice to such Party, or by leaving the same at his Place of Abode, or with the Clerk or Agent or principal Officer of the Corporation, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which or any Damage to which any such Question shall arise.

Verdicts to be recorded

XX. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, or Coroner presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the County in which the Matter of Dispute shall have arisen among the Records of the Quarter Sessions for such County, and shall be deemed Records to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Two Shillings and Sixpence, and also to take or make Copies thereof, paying for every Copy after the Rate of Nine-pence for every One hundred Words.

Penalty on Sheriff, &c. Jurors, or Witnesses making default.

XXI. And be it further enacted, That if any such Sheriff, or his Under Sheriff, or any Coroner herein authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be paid to the Party who shall be prejudiced or injured thereby, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*; and if any Person so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn or, being a Quaker, to make Affirmation, or shall refuse to give his Verdict, or shall in any other Manner wilfully neglect his Duty,

Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn or, being a Quaker, affirmed, or to give Evidence, every Person so offending, having no reasonable Excuse (to be judged of and determined by the said Sheriff, Under Sheriff, or Coroner), shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall have been summoned, any Sum not exceeding Five Pounds; which last-mentioned Penalty and Forfeiture shall and may be levied, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the County or Place in which the said Lands shall be situate or the said Inquisition shall be held, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, on Demand, the Overplus, if any, of the Money thereby produced, after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

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

Persons giving false Evidence to be subject to the Punishment for Perjury.

XXII. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of Her Majesty's Courts of Record at *Westminster*; and all Persons who in any Examination to be taken by virtue of this Act upon their Oath, or, being Quakers, upon their Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, or Coroner, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury shall or may by Law be subject.

Expences of the Jury how to be paid.

XXIII. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for the same or for a greater Sum than shall have been previously offered by the said Commissioners for the Purchase of any Lands to be used or taken by them for the Purposes of this Act, or as Compensation or Satisfaction for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, and all the Costs, Charges, and Expences of the said Inquisition, Verdict, and Judgment thereon, in or anywise incident to or consequent on the same, and the Expences of Witnesses, and of the Bond herein-after mentioned, shall be defrayed by the said Commissioners, and such Costs, Charges, and Expences shall be settled and determined by the said Sheriff, Under Sheriff, or Coroner as aforesaid; and in case such Costs, Charges, and Expences shall not be paid to the Party entitled to receive the same within Fourteen Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Commissioners, or of the Treasurer of the said Commissioners, and which Treasurer shall be at liberty to reimburse himself all such Costs and Expences, if paid by him, and all Costs and Expences incurred by him by reason of such

such Distress, out of any Monies received by him by virtue of this Act, under a Warrant to be issued for that Purpose by any Justice of the Peace for the County or Place where such Inquisition shall be held, not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by any Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the said Commissioners to the Party or Parties so entitled as aforesaid, one Moiety of the said Costs, Charges, and Expences shall be paid by the Party with whom the said Commissioners shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Commissioners; and the first-mentioned Moiety of such Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such other Party or Parties as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in Cases in which by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Commissioners.

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

XXIV. And be it further enacted, (but without Prejudice to any other Powers herein contained under which the said Commissioners may take Possession of Lands or other Property for the Purposes of the Undertaking hereby authorized, at any different Periods, or on different Terms,) That all Persons in Possession of any Lands which shall be intended to be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenants at Will or Lessees for Year, or as Tenants from Year to Year, shall respectively deliver the Possession of such Premises to the said Commissioners, or to such Person as they shall appoint to take Possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said Commissioners to such respective Tenants or Lessees or Persons in Possession, or left upon the said Premises, or at such other Time after the Expiration of Six Calendar Months as they shall respectively be required, whether such Notice be given with reference to the Time of the Commencement of such Tenants holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Commissioners; and in case any such Tenant or Lessee or Person so in Possession as aforesaid shall refuse to deliver such Possession as aforesaid, it shall be lawful for the said Commissioners to issue their Precept to the Sheriff of the County or Place in which the Premises shall be situate to deliver Possession of the said Premises to such Person as in such Precept shall be nominated to receive the same, and the said Sheriff is hereby required to deliver the Possession of the said Premises accordingly, and to levy and satisfy such Costs as shall accrue from the issuing and Execution of such Precept on the Person so

so refusing to deliver Possession by Distress and Sale of his Goods and Chattels.

Interest of such Tenants maybe settled by a Jury.

XXV. Provided always, and be it further enacted, That where any such Tenant or Lessee who shall be required to deliver the Possession of any Lands and Premises so occupied by him before the Expiration of his Term or Interest therein shall give the said Commissioners previous Notice in Writing thereof, stating this Provision, and state the Period of such unexpired Term or Interest, the said Commissioners shall and they are hereby required to make or tender to such Tenant or Lessee, before they shall issue their Precept to the Sheriff to give Possession of the Premises in the Occupation of such Tenant or Lessee, Satisfaction or Compensation for the Value of his unexpired Term or Interest in the said Premises, which Satisfaction or Compensation, in case of Difference, shall be ascertained and determined in the same Manner as any other Satisfaction or Compensation for any Lands taken or used by the said Commissioners is by this Act directed to be made or determined.

Persons holding under Leases to produce the same.

XXVI. Provided always, and be it further enacted, That in all Cases in which any Party shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of or entitled unto in any Lands and Premises intended to be taken or used under the Authority of this Act, under or by virtue of any Demise, Lease, or Agreement for Lease, or Grant thereof, the said Commissioners are hereby authorized to require such Party to produce or show the Lease or Agreement for Lease, Demise, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made, or the best Evidence thereof in his Power; and if such Lease or Agreement for Lease, Demise, or Grant, or such best Evidence thereof as aforesaid, shall not be produced or shown within a reasonable Time after Demand made by any Person authorized by the said Commissioners, stating this Provision, the Party claiming such Compensation or Satisfaction shall be considered as a Tenant holding only from Year to Year.

For settling Disputes as to Damages.

XXVII. And be it further enacted, That in case any Difference shall arise between the said Commissioners and any of the Owners or Occupiers of the Land or Property to be taken for the Purposes of this Act as to the Amount or Value of the Damages done by the said Commissioners, their Agents or Workmen, to such Property in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the said Parties, the same, notwithstanding the Provision herein-before made directing the summoning of a Jury, and instead thereof shall be ascertained and determined by some Two or more Justices of the Peace for the County or Place in which such Lands or Property shall lie, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Commissioners, provided such Compensation do not exceed the Sum of Twenty Pounds; and the said Justices respectively are hereby authorized and required, on Nonpayment of the said Damages for the Space of Ten

Days after the same shall become due, to levy such Damages, and all Charges respecting the same, by Distress and Sale of any Goods and Chattels by this Act vested in the said Commissioners, in the same Manner as by this Act is directed with respect to the Recovery of Compensation for other Damages done by the said Commissioners.

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

XXVIII. And be it further enacted, That in case any Party to whom any Money shall be agreed or awarded to be paid for the Purchase of any Lands and Premises to be taken or used under or by virtue of the Powers of this Act, or for any Interest, or for the Release of any such Lands from any Rent or other Incumbrance charged thereon, or for Compensation or Satisfaction as aforesaid, shall refuse or neglect to accept the same, or cannot be found, or shall be absent from *England*, or shall refuse, neglect, or be unable to make a Title to such Lands and Premises, or to such Interest therein, to the Satisfaction of the said Commissioners for the Purposes of this Act, or if any Party entitled unto or to convey such Lands or such Interest therein be not known, or shall be absent from *England*, or shall refuse to convey the same or such Interest therein, then and in every such Case, where not otherwise provided by this Act, it shall be lawful for the said Commissioners to order the Money so agreed or awarded to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands (describing them as far as the said Commissioners can do), subject to the Control and Disposition of the said Court; which said Court, on the Application of any Party making claim to such Money, or to any Part thereof, by Petition, is hereby empowered, in a summary Way of Proceeding, or otherwise, as to such Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the Estate, Title, or Interest of the Party making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem proper; and the Cashier of the Bank of *England* who shall receive such Money is hereby required to give to the said Commissioners, or to any Party paying any Money into the Bank of *England* under or pursuant to this Act, a Receipt for such Money, mentioning and specifying therein for what and for whose Use (described as aforesaid) the same is received.

Persons in Possession presumptively entitled.

XXIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Party to any Lands and Premises, or to any Interest in any Lands and Premises, or to any Compensation Money in respect to Damage done to any Lands or Premises, or to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, or of any Estate, Right, Title, or Interest in any Lands to be taken or used in pursuance of this Act, for the Purposes aforesaid, or for Compensation or Satisfaction as aforesaid, or to any Annuities or Securities to be purchased with any such Money as aforesaid, or to the Dividends of any such Annuities or Securities, the

the Parties respectively who shall have been in Possession or Receipt of the Rents or Profits of such Lands at the Time of such Purchase, and all Corporations and Persons claiming under such Parties, or under or consistently with the Possession of such Parties, shall be deemed to have been lawfully entitled to such Lands and Premises, or such Interest therein, or to such Money as aforesaid, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some other Party was lawfully entitled to such Lands, Estates, or Interest.

Application of Compensation Money amounting to 200*l.*

XXX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands and Premises to be taken or used by virtue of the Powers of this Act, or of any Interest therein, or for the Release of any such Lands and Premises from any Rent or other Incumbrance charged thereon, or for any Compensation or Satisfaction under this Act, which any Corporation, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person whose Lands are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, Churchwarden or Overseer of the Poor, shall be entitled unto, interested in, or hereby capacitated to convey, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* "The Commissioners of the *Rocester Bridge* and Approaches," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes,* and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain until the same shall, by Order of the said Court made in a summary Way upon Petition to be presented to the said Court by the Party who would have been entitled to the Rents and Profits of the said Lands and Premises, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance, affecting the said Lands and Premises, or affecting other Lands and Premises standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application be laid out, by Order of the said Court made in a summary Way, in the Purchase of other Lands, which shall be conveyed, limited, and settled to, for, and upon such

1 G. 4. c. 35.

and

and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands and Premises which shall be so purchased, taken, or used as aforesaid, or in respect of which such Compensation or Satisfaction shall be paid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase can be made the said Money may, by Order of the said Court, upon Application thereto, be invested by the Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time, by Order of the said Court, be paid to the Party who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased and settled.

Application of Purchase Money when less than 200*l.* and exceeding 20*l.*

XXXI. Provided always, and be it further enacted, That if any Money agreed or awarded to be paid as last herein-before mentioned shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then the same shall, at the Option of the respective Parties for the Time being entitled to the Rents and Profits of the Lands and Premises so taken or used, or of such Interest therein, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners, signified in Writing under the Hands of any Five or more of them, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the respective Parties exercising such Option (such Nomination to be approved of by the said Commissioners), and such Nomination and Approbation to be signified in Writing under the Hands or Common Seals of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall by such Trustees be applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without being required to obtain any Order of the said Court touching the Application thereof, and the said Commissioners shall not be bound or required to see to the Application thereof.

When not exceeding 20*l.*

XXXII. Provided also, and be it further enacted, That where any Money so agreed or awarded to be paid as last herein-before mentioned shall not exceed the Sum of Twenty Pounds, the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands and Premises so taken or used for the Purposes of this Act, or in respect

of

of which such Compensation or Satisfaction shall be paid, for their own Use and Benefit; or in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to their respective Husbands and Guardians, Committees or Trustees, to and for the Use and Benefit of the Parties respectively entitled thereto.

Expences of deducing Titles to be paid by the Commissioners.

XXXIII. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser, of all Conveyances and Assurances of any Lands and Premises which shall be purchased or taken by the said Commissioners for the Purposes of this Act, or any Terms or Interest therein, and of deducing, evidencing, and verifying such Title as the said Commissioners for the Purposes of this Act may require to the said Lands and Premises, or any Term or Interest therein, and of making out and furnishing such Abstract and such attested Copies as the said Commissioners may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such Title or Titles, shall be exclusively borne and paid by the said Commissioners; and the said Commissioners, before entering into Possession of the Lands and Premises so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or, in case there shall be any Dispute about the same, shall obtain such Order as herein-after mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party or Parties from whom the Lands shall be purchased or taken: Provided always, that the said Commissioners shall not be prevented from entering into Possession of the Lands and Premises so purchased by the reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein-before mentioned not having been made, unless the Party or Parties from whom such Lands and Premises shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Commissioners, deliver a Bill for their Costs, Charges, and Expences to the said Commissioners.

How such Expences are to be ascertained.

XXXIV. And be it further enacted, That if the said Commissioners and the Party aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Exchequer; and it shall be lawful for the said Court, on Petition to be presented by the said Commissioners, to order and direct that such Costs, Charges, and Expences shall be referred to One of the Masters of the said Court, to be taxed in the usual Manner, and such Order shall be served on the Party aforesaid, who shall be at liberty to proceed under the same; and after Taxation thereof it shall be lawful for the said Court to order and direct that the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, and of the Application to the said Court of Exchequer, or so much of the same as shall be payable by the said Commissioners to the Party from whom such Lands and Premises shall have been purchased or taken, shall be paid to the Party aforesaid, and the said Money so deposited as aforesaid shall be applied, under the Direction of the Court, towards the Payment thereof, so far as the same will extend: Provided always, that the said Commissioners shall not be

at liberty to enter into the Possession of the Lands and Premises so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and the said Commissioners shall have deposited the Sums claimed in respect of the same in the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there *ex parte* "The *Rocester Bridge* and Approaches thereto," pursuant to the Method prescribed by the herein-before mentioned Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, which Sums shall be applied, under the Order of the said Court, in Payment of the said Costs, Charges, and Expences: Provided always, that the Expence of determining such Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Party from whom the said Lands and Premises were purchased or taken, and the Amount thereof may then be paid to the said Commissioners out of the said Sum so deposited by them as aforesaid.

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

XXXV. And be it further enacted, That where, by reason of any Disability or Incapacity of any Party entitled to any Lands and Premises to be taken or used, or in respect of which any Satisfaction, Recompence, or Compensation shall be payable, under the Authority of this Act, the Purchase Money for the same, or the Money paid for such Compensation, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court to order the Costs, Charges, and Expences attending the Purchase or taking or using such Lands and Premises, or which may be incurred in consequence thereof, and also the Costs, Charges, and Expences of the Re-investment of the Purchase or Compensation Money in Land, or so much of such Costs, Charges, and Expences as the said Court shall deem reasonable, and likewise the Costs, Charges, and Expences occasioned only by the passing of this Act, and not by Litigation between Claimants or otherwise of any Proceedings had as herein-before authorized for the Investment of such Purchase or Compensation Money in Government or Real Securities, and for the Payment of the Interest and Dividends thereof, and of such Government or Real Securities, or of the Money to be produced by the Sale thereof out of Court, together with the necessary Costs and Charges of obtaining the proper Orders for such Purposes, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act, and the said Commissioners shall from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

Power to enter Lands on Payment of Purchase Money.

XXXVI. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been agreed upon between the Parties, or awarded by a Jury in manner aforesaid, for the Purchase of any Lands, Premises, Rent or other Charge, to the respective Proprietors of such Lands, Premises, Rent or Charge, or other Person respectively interested therein and entitled to receive such Money, within Ten Days after the same shall have been so agreed upon or awarded; or if the Parties so respectively interested and entitled as aforesaid cannot be found, or shall be absent from *England*, or shall refuse to receive such Money as aforesaid, or shall refuse, neglect, or be

be unable to make a good Title to such Lands, Premises, Rent or Charge (to the Satisfaction of the said Commissioners); or if any Party entitled unto or to convey such Lands, Premises, Rent or Charge shall not be known, or shall be absent from *England*, or shall refuse, neglect, or be unable to convey the same, then upon Payment of such Money into the Bank of *England*, as herein-before directed, to the Credit of the Parties interested in such Lands; or, in case such Money shall have been agreed or awarded to be paid for the Purchase of any such Lands and Premises which any Corporation, Trustee, or Person under Disability is hereby capacitated to convey, upon Payment of such Money into the Bank of *England*, as herein-before directed, to an Account *ex parte* "The Commissioners of the *Rocester Bridge* and Approaches"; and in every such Case, or upon Payment to Two Trustees of any such Money as aforesaid in the Cases herein-before authorized, it shall be lawful for the said Commissioners immediately to enter upon such Lands and Premises, and thereupon and all the Estate, Use, Trust, and Interest of all Parties therein, for which the Consideration shall have been so paid, tendered, or deposited as aforesaid, shall thenceforth be vested in and become the sole Property of the said Commissioners to and for the Purposes of this Act as fully and effectually as if the same had been duly conveyed to them in manner aforesaid; and such Payment or Tender or Conveyance, or such Deposit in the Bank of *England* as aforesaid, shall operate to merge all outstanding or other Terms of Years, and to bar and destroy all Dower, and all Estates Tail and other Estates in Reversion and Remainder, and all Rights, Titles, Limitations, and Trusts of and in the said Lands and Premises so paid as aforesaid: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid it shall not be lawful for the said Commissioners, or for any Person acting under their Authority, to bore under, dig, or cut into or enter upon such Lands and Premises for any of the Purposes of this Act; save that the said Commissioners shall be at liberty to enter into the said Lands, for the Purpose of ascertaining and setting out the same for the Purposes of this Act, without the previous Consent of the Owners and Occupiers thereof respectively; or in case such Owners or Occupiers shall not consent, then under such Restrictions and Regulations as any Justice of the Peace for the Counties of *Stafford* and *Derby*, or either of them, shall appoint.

Compensation to be made for temporary Damage.

XXXVII. And whereas in executing the several Works by this Act authorized it may be necessary for the said Commissioners, their Agents and Workmen, to enter upon and take temporary Possession of some Parts of the Lands and Premises adjoining to the said Bridge and Approaches and other Works, for the Purpose of laying or depositing and working thereon Earth, Clay, and other Materials which shall have been taken out in making Excavations, or of manufacturing such Clay into Bricks, or for forming temporary Roads or Approaches to the said Works; but inasmuch as a Jury summoned as directed by this Act to assess a Compensation for the Damage and Injury done to such adjoining Lands by the Exercise of the Powers and Authorities by this Act granted cannot, either upon View or from Evidence, form a just Opinion of the permanent Injury which will be sustained by the Owners or Proprietors of such adjoining Lands by the Exercise of the Powers and

and Authorities aforesaid, until the Works shall have been completed, it is expedient that the said Commissioners, their Agents and Workmen, should be empowered to enter upon such adjoining Lands and Premises for the Purposes aforesaid without having previously made such Payment, Tender, or Investment of Money as herein-before mentioned; be it therefore enacted, That notwithstanding any thing in this Act contained it shall be lawful for the said Commissioners, their Agents and Workmen, and they are hereby empowered, to enter upon the Lands and Premises of any Person or Corporation whatsoever adjoining or lying near to the said Bridge and Approaches and the other Works by this Act authorized to be made and maintained, or any of them, or any Part thereof respectively, for the Purpose of depositing, working, or manufacturing upon such Lands, or upon any Part thereof respectively, any Soil, Gravel, Clay, Sand, Stone, or other Materials which shall have been excavated, dug, or got in constructing the said Bridge and Approaches or other Works, or which may be taken, dug out of or from any Lands adjoining to the Place where the said Works shall be then carried on, and to manufacture the same, or for forming temporary Roads and Approaches to and from the said Works, without having previously made such Payment, Tender, or Investment as herein-before mentioned, they the said Commissioners, their Agents and Workmen, doing as little Damage as may be in the Exercise of the several Powers hereby granted to them, and making Compensation for such temporary Occupation or temporary Damage of the said Lands and Premises to the Owners or Occupiers thereof; such Compensation, in case the Parties differ about the same, whether the same shall exceed Twenty Pounds or not, to be settled and recovered in manner herein-before provided in Cases of Disputes as to Damages to the Amount of Twenty Pounds: Provided always, that the said Commissioners shall and they are hereby required, within Twelve Calendar Months next after the Expiration of the Period by this Act granted for executing the said Bridge and Approaches and other Works, to make such Compensation and Satisfaction for the permanent Damage or Injury (if any) which may have been done to the said Lands by the Exercise of any of the Powers and Authorities aforesaid in the same Manner as in this Act is directed in other Cases of permanent Damage or Loss occasioned by the said Commissioners: Provided also, that before it shall be lawful for the said Commissioners to make such temporary Use as aforesaid of the Lands adjoining or lying near the said Bridge and Approaches the said Commissioners shall and they are hereby required to give Ten Days Notice of such their Intention to the Owners or Occupiers of such Lands, and to separate and set apart by sufficient Railings or Fences so much of the Lands as shall be so used as aforesaid from the other Lands adjoining thereto, if so required by the Owner or Owners of such Lands: Provided always, that the Quantity of Land so to be taken shall not exceed Two Statute Acres.

Power to erect Toll Gates.

XXXVIII. And be it further enacted, That the said Commissioners shall and they are hereby empowered to erect, at, near, upon, or across the said Bridge, and upon the said Approaches, or any or either of them, or any Part thereof respectively, or near or upon the Sides of such Approaches or of either of them or on any Part thereof respectively, when and where and as they shall judge necessary, any Turnpikes, Toll

Gates, or Toll Bars, and Toll Houses and other Houses and Outhouses, and Conveniences thereto, and from Time to Time to alter or take down and rebuild or to discontinue and remove the same or any of them, as they the said Commissioners shall think proper; and it shall be lawful for the said Commissioners, or any Person authorized by them for that Purpose, to demand and take, or cause to be demanded and taken, at some One Toll Gate or Toll Bar to be erected as aforesaid, before any Person, Horse, Beast, or other Cattle, or any Carriage, shall be permitted to pass through the same, the Tolls hereinafter mentioned; (that is to say,)

Tolls.

For every Horse, Mule, or other Beast drawing any Coach, Stage Coach, Chariot, Landau, Barouche, Sociable, Hearse, Litter, Break, Chaise, Curricle, Car, or other such Carriage with Four Wheels, any Sum not exceeding Sixpence:

For every Horse, Mule, or other Beast drawing any Chaise, Chair, Gig, or other such Carriage with Two Wheels, any Sum not exceeding Sixpence:

For every Horse, Mule, or other Beast (except an Ass) drawing any Waggon, Wain, Van, Caravan, or other such Carriage with Four Wheels, any Sum not exceeding Sixpence:

For every Horse, Mule, or other Beast (except an Ass) drawing any Cart, Drag, or other such Carriage with Two Wheels, any Sum not exceeding Sixpence:

For every Ass drawing any Waggon, Wain, Cart, Truck, or other such Carriage, any Sum not exceeding Two-pence:

For every Dog drawing any Cart, Truck, or other such Carriage, any Sum not exceeding One Penny:

For every Horse, Mule, or other such Beast, laden or unladen, and not drawing any Carriage, any Sum not exceeding One Penny:

For every Cow, Bull, Ox, or Neat Cattle (Calves excepted), and not drawing any Carriage, any Sum not exceeding One Halfpenny:

For every Calf or Pig, any Sum not exceeding One Halfpenny:

For every Score of Sheep or Lambs, any Sum not exceeding Fivepence, and so in proportion for any less Number than a Score:

For every Carriage, of whatever Description, moved or propelled by Steam or Machinery, or by any other Power than Animal Power, any Sum not exceeding Four Shillings *per* Wheel for each Wheel thereof:

Tolls vested in Commissioners.

Which said several and respective Tolls hereby granted, and all Tolls authorized to be taken under or by virtue of this Act, shall be and the same are hereby vested in the said Commissioners.

Fractional Parts of a Halfpenny.

XXXIX. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of any of the Tolls by this Act authorized to be taken the Sum of One Halfpenny may be demanded and taken in lieu of such fractional Part.

Tolls to be paid but once a Day.

XL. Provided always, and be it further enacted, That no more than One full Toll in any one Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) shall be demanded or taken for or in respect of the same Horse or Horses, Mule or Mules, or other Beast or Beasts or Cattle, drawing the

the same Coach, Chariot, Chaise, Waggon, Cart, or other Carriage (except for the Purposes of Hire, then that no Person shall be liable to pay the said Tolls more than twice on the same Day, to be computed as aforesaid), or for or in respect of the same Horse, Mule, Ass, or other Beast or Cattle, laden or unladen, and not drawing, or for or in respect of the same Oxen or Ox, Neat Cattle, Calves, Swine, Sheep, or Lambs, for passing and repassing through all or any Turnpikes, Toll Gates, Toll Bars, and Toll Houses, except as herein-after mentioned.

Exemptions from Tolls.

XLI. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse, Beast, Cattle, or Carriage belonging to Her Majesty or attending any of the Royal Family, or returning after having so attended; or for any Horse, Beast, Cattle, or Carriage, of any Description, or any Person, employed in conveying or guarding Mails or Letters and Express under the Authority of Her Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning from conveying or guarding the same; or for any Soldiers upon their March or on Duty, or for any Horse, Beast, Cattle, or Carriage attending Soldiers upon their March or upon Duty with Arms and Baggage, and returning after having been so employed; or for any Horse, Beast, or Cattle drawing any Waggon, Wain, Cart, or other Carriage which shall be employed in conveying any Ordnance, Commissariat, or other public Stores of or belonging to Her Majesty, or to or for the Use of Her Majesty's Forces; or for any Horse, Beast, or Cattle furnished by or for or belonging to any Corps of Yeomanry or Volunteer Cavalry, and ridden by them, or from any Yeomanry Cavalry Man, or Volunteer Infantry Man, in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons be dressed in the Uniforms of their respective Corps, and have their Arms and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; or for any Horse, Beast, or Cattle, Person or Carriage, conveying Vagrants sent by legal Passes, or Prisoners sent by legal Warrant, or returning having been so employed, or for any such Vagrants or Prisoners; and that from and after the passing of this Act no Tolls shall be demanded or taken for any Waggons, Wains, Carts, Carriages, Mules, Horses, Oxen, Beasts, or other Cattle employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, on the same Day, Agricultural Produce from the Lands where it is grown, within the prescribed Distance herein-after mentioned, not sold or disposed of, but passing to be laid up or placed in any Outhouses on the Lands of the Owners or Occupiers thereof; or for any Waggons, Wains, Carts, Carriages, Mules, Horses, Oxen, Beasts, or other Cattle in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, Manure (Lime only excepted), or for any thing employed in Husbandry, for maintaining or improving Lands within the prescribed Distance herein-after mentioned; or for any Horses or Cattle going to or returning

returning from Pasture or Watering Places, or going to and returning from being shoed or farried, within the prescribed Distance hereinafter mentioned; or from any Person going to or returning from his proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or for any Clergyman going to or returning from visiting any sick Person, or upon other his parochial or ministerial Duty on a *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for repairing or improving any Weir, Shuttles, or other Works on the River required for the Purpose of preserving, improving, and regulating the Waterfall at the *Rocester* Mills now in the Occupation of Mr. *Thomas Houldsworth*; and that the prescribed Distance herein-before mentioned shall not be less than Two Miles from the Toll Houses, Toll Gates, or Toll Bars of the said Bridge; and if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person or Persons for every such Offence shall forfeit and pay any Sum not exceeding Forty Shillings.

Tolls may be let.

XLII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered, at any Meeting, upon Fourteen Days Notice being affixed upon any Toll Gate or Turnpike or Side Bar that shall be erected by virtue of this Act, and by Advertisement inserted in some Newspaper published or circulated in either of the said Counties of *Stafford* or *Derby*, or in case there shall be no such Toll Gate or Turnpike or Side Bar, then by Advertisement alone, to let or farm the Tolls to be collected by virtue of this Act, or any Part or Parts thereof, to any Person or Persons, at and for the largest yearly Sum that can be reasonably gotten for the same; provided that the Leases, Contracts, or Agreements of or for the same be in Writing, and be duly executed by the Person or Persons taking or farming such Tolls, and also by Five or more of the said Commissioners, but the same shall not be let for more than Three Years at any one Time; and the Rent which shall be agreed to be paid for the said Tolls shall be payable and shall be paid to the Treasurer of the said Commissioners so that One Calendar Month's Payment of such Rent shall always be in advance, or sufficient Security given for the Payment of such Rent to the Satisfaction of the said Commissioners; or in default thereof it shall be lawful for the said Commissioners, if they shall see fit, to annul and make void every such Lease, Contract, or Agreement.

Lessees or Persons appointed by them may collect the Tolls.

XLIII. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or in farm to any Person or Persons whomsoever it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall by Writing or Writings under his or their Hand or Hands authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Power for the Recovery thereof, to all Intents and Purposes, as the said Commissioners, or any Collector of the said Tolls appointed by them, are or

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is hereby authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Commissioners is subject or liable to.

Persons may be stopped for refusing to pay Tolls.

XLIV. And be it further enacted, That if any Person subject to the Payment of any of the said Toll or Tolls shall, after Demand thereof made by any Collector or other Person to be appointed to receive the same, neglect or refuse to pay the same, or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized or appointed to collect such Toll or Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, to stop and prevent the Passage of any Person or Persons so refusing, or of any Horse, Beast, or Cattle or Carriage for or in respect of which any such Toll or Tolls ought to be or to have been paid, and to seize and detain any Horse, Beast, Cattle, Carriage, or other Thing upon or in respect of which any such Toll shall be imposed, together with their respective Bridles, Saddles, Gears, Harness, and other Accoutrements (except the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast), or any Carriage in respect of the Horses or Cattle drawing the Carriage on which such Toll is imposed, or any of the Goods or Chattels of the Person or Persons so neglecting for refusing to pay; and if the Toll or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall or may sell the Horse, Beast, or Cattle, Carriage, or Things seized or distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and so much of such Carriage or Things as shall remain unsold, upon Demand, to the Owner or Owners thereof, after such Toll, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Penalty on evading Tolls.

XLV. And be it further enacted, That if any Person or Persons shall ford the said River *Dove* with any Horse, Beast, or Carriage, or shall use any Boat, Wherry, or Raft to convey such Horse, Beast, or Carriage over the said River, for Hire or Reward, or with Intent to evade the Payment of any Part of the Tolls by this Act authorized to be taken, within One Mile of the Toll Gate or Bridge to be erected and built by virtue of this Act, or shall get up or down the Side or Sides of any Part of the said Bridge, or over any Gate to be erected at, near, or upon the same, or shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, whereby the Payment of any of the said Tolls, or any Part thereof, is or shall be evaded, or shall do or cause to be done any other Act in order or with Intent to evade the Payment of the said Tolls or any of them, or shall assault, interrupt, or obstruct any Person employed in the Collection of the said Tolls, such Person or Persons, or every of them, and also every Person or Persons who shall permit or suffer himself or herself so to be conveyed or ferried over the said River as aforesaid, shall for

every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Tolls may be reduced.

XLVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required, at some Meeting to be holden for that Purpose (of which Meeting such Notice as is herein-before required previous to the letting of the said Tolls shall be given), to fix and determine the Tolls to be demanded and taken by virtue of this Act, but so nevertheless as not to exceed the respective Sums herein-before authorized to be received; and it shall also be lawful for the said Commissioners, and they are hereby empowered, at any Meeting to be holden as aforesaid, from Time to Time and at all Times thereafter to lower, reduce, or alter all or any of the said Tolls, and again to raise the same to such Amount as they shall think proper, not exceeding the respective Sums by this Act authorized to be received: Provided always, that no Reduction of any such Tolls shall be made or take place unless Three Fourth Parts in Value of the Persons to whom Money may at that Time be owing on the Credit of this Act shall assent thereto.

For settling Disputes about Tolls.

XLVII. And be it further enacted, That if any Dispute shall arise concerning the Amount of the Tolls due to the said Commissioners, or concerning the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress, or, as the Case may require, the Proceeds of the Sale thereof, until the Amount of the Tolls due, or, as the Case may require, such Tolls, and the Amount of the Charges of seizing, distraining, keeping, or selling such Distress, shall be ascertained by some Justice of the Peace for the County in which such Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath, Declaration, or Affirmation of the Parties or other Witnesses, and determine the Amount of the Tolls due, or, as the Case may be, such Amount, and also the Amount of the said Charges; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the said Parties to the other of them as he shall think reasonable, and in case of Non-payment thereof, on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same by Warrant under the Hand and Seal of such Justice.

Lists of Tolls to be painted on Boards and affixed on Toll Houses or in some conspicuous Place.

XLVIII. And be it further enacted, That the said Commissioners shall cause to be painted on Boards, and to be affixed and continued and renewed (as often as the same shall be obliterated or defaced), to or upon every Toll House, Turnpike, or Toll Gate at which any of the Tolls by this Act authorized shall be collected or received, or near thereto in some conspicuous Place, in large and legible Characters, an Account or List of the several Tolls which the said Commissioners shall from Time to Time direct and appoint to be taken and which shall be payable by virtue of this Act; and that the said Commissioners shall also cause the Christian and Surname of the Person employed to collect the said Tolls to be painted in legible Characters over and above the Door of the said Toll House.

Tolls only payable whilst Boards remain so affixed.

XLIX. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to demand or take any Toll for or in respect of any Person, or of any Horse, Beast, or Cattle or Carriage, except during the Time that the Board on which such Tolls shall be so painted as aforesaid shall remain affixed to such Toll House, Turnpike, or Toll Gate or other Places herein-before specified at which such Tolls shall be received as aforesaid, or near thereto.

Penalty on Persons defacing Boards.

L. And be it further enacted, That if any Person or Persons shall wilfully pull down, deface, or destroy any Board or Boards whereon any Tolls or Toll shall have been painted according to the Directions of this Act, or shall aid therein, he shall, on Conviction, forfeit and pay any Sum not exceeding Five Pounds for every Offence.

For punishing Toll Collectors misbehaving.

LI. And be it further enacted, That every Collector of 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 on some other conspicuous Part of the Toll House or Toll Gate whereat he shall be on Duty, immediately on his coming on Duty, each of the Letters of such Names to be at least Two Inches in Height, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or in Black Letters on a White Ground, and shall continue the same so placed during the whole of the Time he shall be on Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time he shall be on Duty as aforesaid, or shall demand or take a greater or less Rate or Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, and of the Orders of the said Commissioners made in pursuance thereof, or shall demand or take a Toll from any Person who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or shall not permit any Person to read or shall in anywise hinder any Person from reading the Inscriptions on the Boards to be affixed and placed as aforesaid, or shall refuse to tell his Christian or Surname to any Person who shall demand the same, and who shall have paid the legal Toll, or shall in answer to such Demand give a false Name, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any Horse, Beast, Cattle, Carriage, or any Person from passing upon or over the said Bridge or Approaches, or shall make use of any scurrilous or abusive Language to any Officer or Servant of the said Commissioners, or to any Passenger upon the said Bridge or Approaches, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Power of Re-entry in case of Non-performance of Conditions of Leases of Tolls, &c.

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

Lease, Agreement, or Contract for demising or letting the same Tolls; or in case any temporary or other Collector of the said Tolls shall be discharged from his Office by virtue of this Act, or shall die, abscond, or absent himself, and any such who shall be so discharged, or the Wife, Widow, or any of the Children or Family or any Representative of any such Collector who shall die, abscond, or absent himself or be discharged, or any other Person, being in Possession thereof, shall refuse to deliver up Possession of any Toll House, Office, Weighing Machine, or other Building, with the Appurtenances thereto respectively belonging, to be erected or provided under the Powers of this Act, for or within the Space of Two Days after Demand thereof made in Writing given or left at such Toll House, Office, Weighing Machine, or other Building, or at any of such Toll Houses, Offices, Weighing Machines, or Buildings which shall be or have been in the Possession or Occupation of such Collector, Lessee, or Person, such Demand in Writing to be signed by the Clerk or Treasurer for the Time being of the said Commissioners, it shall be lawful for any Justice of the Peace of the County in which such Premises shall be situate, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of such Toll House or other House and Premises, with the Appurtenances thereto belonging, and to remove and put out such Collector, Lessee, or Farmer or other Person or Persons who shall be found therein, together with his, her, or their Goods, from and out of Possession thereof, and from the Collection of such Tolls, and to put the said Commissioners, or their Agent, or their new Lessee, Farmer, or Collector, in Possession thereof; and thereupon it shall be lawful for the said Commissioners to vacate and determine the Lease, Contract, or Agreement (if any) which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent thereby reserved, or other unperformed Covenants or Agreements on the Lessee's Part to be paid, done, and performed), and the said Commissioners may thereupon again let or demise the said Tolls and Premises to any other Person or Persons.

Commissioners empowered to borrow Money on Credit of Tolls.

LIII. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, after the Sum of Fifteen hundred Pounds shall have been duly subscribed for, by an Order of any Meeting of the said Commissioners, to borrow and take up at Interest any Sum or Sums of Money not exceeding in the whole the Sum of Three thousand Pounds, on the Credit of the Tolls, Dues, and Duties by this Act granted or authorized; and the said Commissioners, after an Order shall have been made for that Purpose at any General or Special Meeting of the said Commissioners, are hereby empowered to mortgage, assign, and charge the Property of the said Commissioners, and the Tolls, Dues, and Duties arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Tolls, Dues, and Duties,) as a Security for any such Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party who shall advance the same, or to his Trustee; and all such Mortgages or Assignments

and

and Charges shall be by Deed, in which the Consideration of the same shall be duly specified and set forth, and made by not less than Five of the said Commissioners, in the Words or to the Effect following, or with such Variation therein as the Circumstances of the Loan may render necessary; (that is to say,)

Form of the Mortgage, &c.

'*Rocester Bridge* and Approaches.

'Number

'BY virtue of an Act passed in the First Year of the Reign of Her 'Majesty *Victoria* the First, intituled [*here set forth the Title of* '*this Act*] we, the Commissioners of 'the *Rocester Bridge*, constituted by and under the said Act, in 'consideration of the Sum of to us in hand paid 'by of do assign unto the 'said his Executors, Administrators, and 'Assigns, all and singular the Tolls and Tonnage Dues and Duties 'arising by virtue of the said Act, and all the Estate, Right, Title, 'and Interest of the said Commissioners in and to the same, to hold 'unto the said his Executors, Administrators, 'and Assigns, until the said Sum of together with 'Interest for the same after the Rate of for 'every One hundred Pounds for a Year, shall be fully paid and 'satisfied. Dated this Day of in 'the Year of our Lord'.

No Preference to be given to Mortgagees.

And the respective Parties to whom such Mortgages and Assignments shall be made shall be entitled one with the other to their respective Proportions of the said Dues, Tolls, Duties, and Premises, according to the respective Sums in such Mortgages and Assignments mentioned to be advanced, without any Preference by reason of Priority of the Date of any such Order of Meeting, or Priority in Date of such Mortgage or Assignment, or on any Account whatsoever; and an Entry or Memorial of such respective Mortgages or Assignments, containing the Numbers and Dates thereof, and the Names of the Parties, with their proper Additions, to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon respectively, shall within Seven Days next after the Date thereof be entered in a Book to be kept by the Clerk of the said Commissioners, which said Book may be perused at all reasonable Times by any of the Commissioners or Mortgagees of the said Tolls, or other Persons interested herein, without Fee or Reward; and all Parties to whom any such Mortgage or Assignment shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer their respective Rights and Interests therein to any other Person or Persons; and every Transfer thereof shall be by Deed or Instrument duly stamped, in which the Consideration for the same shall be duly set forth, and may be in the Words or to the Effect following; (that is to say,)

Form of Transfer of Mortgage.

'I of in consideration of the Sum 'of of 'paid by his Executors, 'do hereby transfer to the said 'Administrators, and Assigns, a certain Mortgage, Number 'made

'made by the Commissioners of the *Rocester Bridge*, to
'bearing Date the Day of
'for securing the Sum of and Interest, and all
'my Right, Estate, and Interest in and to the Money thereby
'secured, and in and to the Tolls and Property thereby assigned.
'Dated this Day of in the
'Year of our Lord .'

Transfers to be registered within a limited Time.

And every such Transfer shall, within Fourteen Days after the Date thereof if executed in *England*, or otherwise within Fourteen Days next after the Arrival thereof in *England*, if executed elsewhere, be produced to the Clerk of the said Commissioners, who shall cause an Entry or Memorial to be made thereof in the same Manner as of the original Mortgage or Assignment, for which the said Clerk shall be paid the Sum of Five Shillings; and after such Entry or Memorial made every Transfer shall entitle such Assignee, or his Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the Mortgage so transferred, or any Money thereon due or thereby secured, or any Part thereof.

In case Mortgages are paid off, the Commissioners may raise the Amount again.

LIV. And be it further enacted, That in case the said Commissioners shall raise the Whole or any Part of the said Sum of Three thousand Pounds by Mortgage, Assignment, or Charge as aforesaid, and shall afterwards pay off all or any Part of the Principal Sum so secured upon Mortgage, Assignment, or Charge as aforesaid, then and in every such Case it shall be lawful for the said Commissioners immediately or at any Time thereafter again to raise, in lieu of the Principal Money so paid off by them, such Sum of Money as they shall from Time to Time have paid off, or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Commissioners shall not in any Event borrow upon any such Mortgage, Assignment, or Charge as aforesaid in such Manner or to such Extent as that more than the Sum of Three thousand Pounds in the whole shall be owing at any one Time on Mortgage or Assignment of or as a Charge upon the said Tolls.

Application of the Tolls, &c.

LV. And be it further enacted, That the several Tolls, Dues, and Duties by this Act granted, and all other Monies to be received by the said Commissioners or to arise under this Act, shall be vested in the said Commissioners, and shall be by them applied in manner herein-after mentioned; (that is to say,) in the first place, in paying all the Costs, Charges, and Expences incurred in preparing and obtaining this Act, and in relation thereto; and in the next place, in defraying the Expences of making a Survey, Estimate, and Drawings, and of building and making the said Bridge and Approaches, and Toll Bars, Toll Houses, and other Houses, Buildings, and Fences as aforesaid, and of maintaining the same in proper Repair, and all other Expences relating or incident thereto; then in paying to any Mortgagee or Bondholder under this Act the Interest to which they shall be respectively entitled; and then in paying off to each of the Mortgagees or Bondholders the Principal Money advanced by them

respectively upon the Cred^it of the said Tolls, Dues, and Duties, and otherwise in carrying this Act into execution.

Damages and Charges in case of Dispute to be settled by a Justice.

LVI. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof or of any Dispute respecting the same, shall be ascertained and determined by some One or more Justice of the Peace for the County or Place in which such Damages or Charges shall be incurred or be directed to be paid, or by some one Justice having Jurisdiction; and where by this Act any Damages or Charges are directed to be paid in addition to any Penalty for any Offence, the Amount of such Damages and Charges in Cases of Nonpayment thereof or of any Dispute respecting the same, shall be settled and determined by the Justice or Justices by or before whom any Offender shall be convicted of such Offence; and such Justice or Justices respectively are hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalty or Forfeiture.

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress of the Goods of the Commissioners.

LVII. And be it further enacted, That whenever any Money shall by any Justice of the Peace be ordered to be paid, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage or Injury of any Nature or Kind soever, done or committed by the said Commissioners, or by any Person acting by or under their Authority, and such Money shall not be paid by the said Commissioners to the Party entitled to receive the same within Seven Days after Demand in Writing shall have been made upon the said Commissioners in pursuance of the Direction or Order made by such Justice, in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of their Treasurer for the Time being under a Warrant to be issued for that Purpose by the Party entitled to receive such Money; and in case any Overplus shall remain after Payment of such 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 such Overplus shall be returned, on Demand, to the Treasurer of the said Commissioners, for the Use and Benefit of the said Commissioners or Treasurer, as the Case may require: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive under or by virtue of the Act, of such Damages, Costs, Charges, and Expences as he shall have sustained or have been put unto by virtue of any such Warrant as aforesaid.

Recovery and Application of Penalties.

LVIII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not herein otherwise particularly directed) may, in case of Nonpayment thereof be recovered in a summary Way by the Order and Adjudication of some One or more Justice or Justices of the Peace for

for the County or Place in which the Offence shall be committed or the Penalty and Forfeiture inflicted or imposed, on Complaint to him or them for that Purpose made, and afterwards be levied, as well as the Costs, if any, of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures, not herein directed to be otherwise applied, shall be paid, one Moiety to the Informer, and the Remainder to the Treasurer of the said Commissioners, for the Use and Benefit of the said Commissioners, unless such Penalties or Forfeitures shall be incurred by the said Commissioners, in which Case the same shall be paid, one Moiety to the Informer, and the Remainder to the Overseers of the Poor of the Parish or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish or Place; and in case such Penalties and Forfeitures shall not be forthwith paid it shall be lawful for such Justice or Justices and they are hereby required to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justice or Justices of the Peace for his Appearance before such Justice or Justices, or before some other Justice or Justices of the Peace having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant of Distress (such Time being not more than Five Days from the taking of such Security), and which Security any of the said Justice or Justices are 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 could be had whereupon to levy the said Penalties or Forfeitures and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice or Justices, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justice or Justices shall not be authorized to issue such Warrant of Distress, but they are hereby required, by Warrant under their Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the County in which such Offence shall be committed, or over which the Jurisdiction of such Justice or Justices shall extend, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or until such Offender shall otherwise be discharged by due Course of Law.

Justices may proceed by Summons for the Recovery of Penalties.

LIX. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed

mitted against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence, whether the Party offending appear or not, to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing or in Print, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

For securing Offenders whose Names and Residences are unknown.

LX. And be it further enacted, That it shall be lawful for any Officer or Agent of the said Commissioners, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Officer or Agent who shall commit any Offence against this Act, and to convey him before some Justice of the Peace for the County, Liberty, or Place within which such Offence shall be committed, without any other Warrant or Authority than this Act; and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Form of Conviction.

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

'} BE it remembered, That on the Day of in
' to wit. } the Year of our Lord *A. B.* is convicted before
' me *C. D.*, One of Her Majesty's Justices of the Peace for the
' County of [*here describe the Offence, and*
' *the Time and Place when and where committed*], contrary to an Act
' passed in the First Year of the Reign of Her Majesty *Victoria* the
' First, intituled [*here insert the Title of the Act*].

' Given under my Hand and Seal [*or* our Hands and Seals] the
' Day and Year first above written *C. D.*'

General Power to Justices to administer an Oath.

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

Compelling Witnesses to attend.

LXIII. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact contained or involved in or affecting any Information or Complaint for any Offence committed against this Act, or any Matter which is hereby referred to any Justice of the Peace, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose

appointed, having been paid or tendered a reasonable Sum for his Costs and Expences, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath, or, in the Case of a Quaker, on Affirmation, to give Evidence before such Justice, then and in either of the said Cases every such Person shall forfeit any Sum not exceeding Forty Shillings for every such Offence.

A Justice of the Peace for either County may take cognizance of any Offence on the Bridge.

LXIV. Provided always, and be it enacted, That in all Cases where the Commission of any Offence against this Act shall be committed on the said Bridge, or within Five hundred Yards of the Centre of it, any Justice of the Peace of either of the said Counties shall and may take cognizance of and hear and determine the same as he would or might have done in case such Offence had been committed in the County for which he is empowered to act as a Justice.

Persons aggrieved may appeal to the Quarter Sessions.

LXV. And be it further enacted, That all Corporations and Persons who may think themselves aggrieved by any Order or Judgment made or given in pursuance of any Order of the said Commissioners, and all other Corporations and Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Three Calendar Months next after such Order or Judgment or Determination shall have been made or given, appeal to the Justices of the Peace at General or Quarter Sessions to be held for the County where the alleged Cause of Appeal shall arise, first giving Eight Days Notice in Writing of such Intention to appeal and of the Grounds and Nature thereof to the Party against whom such Complaint is intended to be made, or to the said Commissioners, as the Case may be, and forthwith after such Notice, in the Case of an Individual appealing, enter into Recognizances before some Justice of the Peace, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County or Place; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

Declaring what shall be good Service of Notice on the Commissioners.

LXVI. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand or any Notice, or any Writ, or other Proceeding at Law or in Equity, upon the said Commissioners, personal Service thereof respectively upon the Clerk or Treasurer of the said Commissioners, or leaving the same at the Office of such Clerk or

Treasurer, or delivering the same to some Inmate of the last or usual Place of Abode of such Clerk or Treasurer, or leaving a Copy thereof at the principal Office of the said Commissioners, or in case the same respectively shall not be found or known, then personal Service thereof upon any other Agent of or Officer employed by the said Commissioners, or any one of the said Commissioners, or by delivering the same to some Inmate of the last or usual Place of Abode of such Agent or Officer or Commissioner, shall be deemed good and sufficient Service of the same respectively on the said Commissioners.

Declaring what shall be good Service of Notice by the Commissioners.

LXVII. And be it further enacted, That in all Cases in which it may be necessary for the said Commissioners to serve any Summons or Demand, or any Notice, or any Writ, or other Proceeding, at Law or in Equity, or otherwise, upon any Person or Corporation, under the Provisions of this Act, personal Service thereof respectively upon such Person, or upon the Clerk or Treasurer of such Corporation, or leaving the same at the Office of such Clerk or Treasurer, or delivering the same to some Inmate of the last or usual Place of Abode of such Person, Clerk, or Treasurer, or leaving a Copy thereof at the principal Office of the said Corporation, and in case the same, or the Clerk or Treasurer, shall not be known or found, then personal Service thereof upon any other Agent of or Officer employed by the said Corporation, or delivering the same to some Inmate of the last or usual Place of Abode of such Agent or Officer, shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be), except in Cases in which any other Mode of Service is by this Act particularly directed: Provided always, that every Summons, Demand, or Notice, or other Document requiring Authentication by the said Commissioners, may be signed by the Chairman, Clerk, or Treasurer for the Time being of the said Commissioners, and may be in Writing or in Print, or partly in Writing and partly in Print.

Commissioners to grant Releases to Witnesses.

LXVIII. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act, or otherwise, against or by or on behalf of the said Commissioners, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Five or more of the said Commissioners to make, sign, seal, execute, and deliver such general or other Releases as may be deemed necessary for the Purpose of exonerating, releasing, and discharging any Person who shall or may be produced as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid from any Claim or Demand which may be necessary to be released by the said Commissioners, so as to qualify such Person to give Evidence as a Witness in any such Action, Arbitration, Reference, or other Proceeding as aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any Action, Suit, Arbitration, Reference, or Proceeding.

Distress not unlawful for

LXIX. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act the

Distress

Distress itself shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage by an Action upon the Case.

Want of Form.

LXX. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or any other Writ or Proceeding whatsoever in any of Her Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statutes to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form.

LXXI. And be it further enacted, That no Plaintiff shall recover in any Action for any irregular Trespass or other wrongful Proceeding made or committed in the Execution of this Act, or by virtue of any Power or Authority hereby given, if Tender of sufficient Amends shall have been made, by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceeding, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Plaintiff not to recover after Tender of Amends.

LXXII. And be it further enacted, That no Person shall be capable of being elected or of acting as a Commissioner for the Purposes of this Act who shall be a licensed Victualler, nor shall any Person be capable of acting as such Commissioner during the Time that he shall hold or enjoy any Office or Place of Profit or Emolument under this Act, or in any Matter wherein he shall be in anywise personally or beneficially interested (except as a Creditor on the Tolls by this Act authorized to be received and levied): Provided nevertheless, that no Justice of the Peace shall be disqualified from acting as such Justice within his Jurisdiction in the Execution of this Act by reason only of his being a Commissioner under this Act.

Certain Persons not to act as Commissioners.

LXXIII. And be it further enacted, That if any Person shall act as a Commissioner in the Execution of this Act without being duly qualified as aforesaid, or being disqualified by any of the Causes in this Act mentioned, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and every Person so sued shall prove that he was qualified or (as the Case may be) that he was not qualified at the Time of acting, or otherwise shall pay the said

Penalty on Commissioners acting not being qualified.

said Penalty and Costs without any other Proof or Evidence on the Part of the Plaintiff than that such Person hath acted as a Commissioner in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person acting as such Commissioner without being qualified or being disqualified as aforesaid shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified or had not been disqualified as herein-before mentioned.

Election of Commissioners on Vacancies.

LXXIV. And be it further enacted, That whenever any Commissioner named in or hereafter to be appointed under or by virtue of this Act shall die, resign, neglect or refuse to act, or, by Bankruptcy, Insolvency, or otherwise, shall become incapable of acting in the Execution of this Act, it shall be lawful for the surviving or continuing Commissioners from Time to Time, at any Meeting to be held in pursuance of this Act after the Decease of any such Commissioner, or on the Notice of the Resignation or Refusal or Incapacity of any such Commissioner, to elect some fit and proper Person to be a Commissioner in the Room of every Commissioner so dying, resigning, neglecting or refusing to act, or becoming incapable of acting, as aforesaid; and every Person who shall be so elected a Commissioner, if duly qualified, shall and may act with the surviving or continuing Commissioners in the same Manner and with the same Powers as if he had been originally named a Commissioner in this Act.

Meetings of Commissioners.

LXXV. And be it further enacted, That the said Commissioners, or any Three or more of them, shall assemble and hold their First General Meeting at some House or Place within Ten Miles of *Rocester* aforesaid, and within Twenty-one Days from and after the passing of this Act, or as soon after as conveniently may be, to put this Act into execution, and shall and may from Time to Time adjourn themselves, and appoint their next Meeting to be holden at such Place or Places within the respective Counties of *Stafford* or *Derby*, or either of them, as they shall think proper, or in any other Parish or Parishes which the said Commissioners shall at any Meeting to be held in pursuance of this Act appoint for holding any or either of the said Meetings, not being distant more than Ten Miles from the said intended Bridge; and if at any such Meeting there shall not be Three or more of the said Commissioners present within One Hour after the Time appointed for such Meeting, then any Two of the said Commissioners assembled at such Meeting may, if they shall think proper, adjourn such Meeting from Time to Time to the same or any other Place in either of the Counties aforesaid; and no Act of the said Commissioners shall be valid unless made or done at some Meeting to be held by virtue of this Act, and at which Three Commissioners at least shall be present (except the calling and adjourning of Meetings as herein mentioned); and all Powers and Authorities by this Act granted to or vested in the said Commissioners shall and may from Time to Time be exercised by the Majority of them present at any Meeting to be held as aforesaid, the Number of Commissioners present at any such Meeting not being less than Three; and all Acts, Orders, or Proceedings had, made, or done by or before such Three Commissioners shall have the same Force and Effect, and be binding

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 the said Commissioners; and at every such Meeting the first Business shall be the Election of a Chairman to preside over the same; and in all Cases where the Number of Votes upon any Question shall be equal (including the Chairman's Vote) the Chairman shall have the casting Vote: Provided nevertheless, that it shall be lawful for the said Commissioners and they are hereby authorized to hold any Special Meeting, so that such Special Meeting shall be required by Three or more of the said Commissioners, and Notice thereof in Writing be given to or left with the Clerk to the said Commissioners, who shall thereupon give Seven Days Notice thereof in some Newspaper published and circulated in either of the said Counties of *Stafford* and *Derby*, or by affixing a written or printed Notice on one of the outer Doors of the respective Parish Churches in the respective Parishes of *Rocester* and *Marston Montgomery* aforesaid, of the Time, Place, and general Purport of such Meeting, and such Meeting may from Time to Time be adjourned in manner herein-after mentioned.

Restrictions as to revoking Orders.

LXXVI. And be it further enacted, That no Order, Rule, Regulation, Act, Resolution, or Proceeding made or done by the said Commissioners shall be revoked, altered, or suspended unless at some subsequent Special Meeting to be required as aforesaid, and of which Seven Days Notice shall be given in the Manner herein-before mentioned for calling Special Meetings, expressing the Occasion of such Meeting, nor unless there shall be at such subsequent Special Meeting a greater Number of Commissioners than were present at the Meeting of Commissioners when such Order, Rule, Regulation, Act, Resolution, or Proceeding was made or passed.

Proceedings to be entered in a Book.

LXXVII. And be it further enacted, That the Orders and Proceedings of all Meetings of the said Commissioners shall be entered in some Book or Books provided and kept for that Purpose, and shall be signed by the Chairman of such respective Meetings; and such Orders and Proceedings, when so entered and signed, shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, before all Judges, Justices, and others, and that without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners.

Commissioners to pay their own Expences.

LXXVIII. And be it further enacted, That the said Commissioners shall respectively at their several Meetings defray all their own Expences, except any Sum not exceeding Ten Shillings a Day for the Use of the Room wherein they respectively shall meet for the Purposes of this Act, and which Sum the said Commissioners are hereby respectively authorized to pay out of the Money raised under the Authority of this Act.

Commissioners to appoint Officers, &c.

LXXIX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time at any of their Meetings to elect a Treasurer or Clerk, and also all such other Officers as they shall think

and take Security, &c.

think proper, to transact the Business of the said Commissioners; and it shall also be lawful for the said Commissioners at any subsequent Meeting from Time to Time to remove and displace any of the beforementioned Officers, and elect in manner aforesaid some other Person or Persons to act in the Place of such of the said Officers as shall die, or resign, or be removed from their respective Offices; and it shall be lawful for the said Commissioners to allow such Salaries or other Emoluments to the said Officers respectively as they shall from Time to Time think proper: Provided always, that the said Commissioners shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Commissioners, and from every Collector, Receiver, or Officer of the said Commissioners who shall have the Custody or Control of any Money received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

No Person to hold the Offices of Clerk and Treasurer at the same Time.

LXXX. Provided also, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or any Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or any Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk of the said Commissioners for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or in the Service or Employ of such Clerk, or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer; every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or in the Case in any of Her Majesty's Courts of Record at *Westminster*.

Officers, &c. to account.

LXXXI. And be it further enacted, That any Officer, Collector, Receiver, and Person who shall be appointed or employed by virtue of this Act shall, from Time to Time, when thereunto required by the said Commissioners, make out and deliver to the said Commissioners, or to such Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act, and such Account shall state how and to whom and for what Purpose the same shall have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer, Collector, Receiver, and Person shall and he or she is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or

her to the said Commissioners, or to such Persons as they respectively shall appoint to receive the same; and if any such Officer, Collector, Receiver, or Person shall refuse or neglect to render such Account, or to produce or deliver up the Vouchers and Receipts relating to the same, in his, her, or their Possession or Power, or to pay the Balance thereof, when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Commissioners, or to such Persons as they respectively shall appoint, within Seven Days after being thereunto required by the said Commissioners, or by such other Persons as last aforesaid, all Books, Papers, and Writings in his, her, or their Possession or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Commissioners, or by any other Person on their Behalf, to any Justice of the Peace acting within his Jurisdiction, such Justice may and he is hereby required, by Warrant under his Hand and Seal, to cause such Officer, Collector, Receiver, or Person to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such a Manner as the said Commissioners might have done; and if upon the Confession of the Officer, Collector, Receiver, or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, or by the solemn Affirmation of any Person being a Quaker, it shall appear to such Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer, Collector, Receiver, or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer, Collector, Receiver, or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts in his Possession or Power, or to deliver up such Books, Papers, and Writings, or to pay the Balance due as aforesaid, then and in any of the Cases aforesaid the said Justice may, by Warrant under his Hand and Seal, commit such Officer, Collector, Receiver, or Person to some Common Gaol or House of Correction for the County over which the Jurisdiction of such Justice shall extend, there to remain without Bail or Mainprize until he shall have made out and delivered such Account, and have delivered up the Vouchers and Receipts (if any) relating thereto in his Possession or Power, and have delivered up such Books, Papers, and Writings (if any) as aforesaid, and shall have paid all the Money which shall appear to be in his Hands of or owing from him, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he shall have compounded with the said Commissioners for such Money and Charges, and have paid the Compensation Money to the said Commissioners (and which Composition the said Commissioners

missioners are hereby empowered respectively to make), or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Commissioners: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Three Calendar Months.

Commissioners may sue and be sued in the Name of their Clerk or of a Commissioner.

LXXXII. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk or of any one of the said Commissioners, and that no Action or Proceeding which may be brought or instituted by or against the said Commissioners, by virtue or on account of this Act, shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk, or by any Act or Default of such Clerk or Commissioner done or suffered without the Consent or Direction of such Commissioners, but such Clerk or Commissioner shall be deemed Plaintiff or Defendant in all such Actions and Proceedings, except in Cases of Action prosecuted between the said Commissioners and their Clerk for the Time being: Provided always, that in all Cases in which the Clerk for the Time being or Commissioner as aforesaid shall be the Plaintiff or Defendant on the Record in any Action or Proceeding in which in effect the Commissioners for executing this Act shall be suing or be sued in the Name of the Clerk or Commissioner as aforesaid, such Clerk or Commissioner as aforesaid may and shall, if not otherwise interested or objectionable, be a good and competent Witness in such Action or Proceeding either for or against the said Commissioners; and all Affidavits of Debt or Service which may be necessary to be made in reference to any such Action or Proceeding shall and may be made by such Clerk or Commissioner (as the Case may be) notwithstanding he shall be nominal Plaintiff or Defendant on the Record as aforesaid: Provided also, that every Clerk or Commissioner as aforesaid, in whose Name any Action or Proceeding shall be instituted or defended, as herein-before mentioned, shall always be reimbursed out of the Money to arise by virtue of this Act all such Costs, Charges, and Expences as he shall incur or become chargeable with by reason of his being so made Plaintiff or Defendant, and shall not be personally liable for the same, unless such Action or Proceeding shall have arisen in consequence of his own wilful Neglect or Default, or been instituted or defended without the Order or Direction of the said Commissioners.

The whole of the Expence to be subscribed for before the compulsory Powers of the Act are put in force.

LXXXII. And whereas the probable Expence of building and erecting the said Bridge and the other Works hereby authorized will amount to the Sum of Three thousand Pounds, and the Sum of Two thousand three hundred Pounds has been already subscribed for by several Persons, under a Contract binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them respectively subscribed for; be it therefore enacted, That the whole of the said Sum of Three thousand Pounds shall be subscribed for in like Manner before any of the Powers given by this Act in relation to the compulsory taking of Land for the Purposes of the said Bridge and Approaches shall be put in force.

LXXXIV. Pro-

Proof of Subscription of Capital.

LXXXIV. Provided always, and be it further enacted, That a Certificate under the Hand and Seal of any Justice of the Peace for either of the Counties of *Stafford* or *Derby*, that the whole of the said Sum of Three thousand Pounds hath been subscribed as aforesaid, and which Certificate such Justice is hereby authorized and required to grant upon Application made to him by the said Commissioners, and Proof of the Capital subscribed by Production of the Subscription Contract relating thereto, shall for all Purposes whatsoever be conclusive Evidence that the whole of the said Sum of Three thousand Pounds has been duly subscribed.

Enabling the Commissioners to sell Lands not wanted.

LXXXV. And whereas by means of the Purchases which the said Commissioners are empowered to make by virtue of this Act or otherwise they may happen to be seised or possessed of more Lands than will be necessary for effecting the Purposes of this Act, or of Lands not applicable to the Purposes hereof; be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required, within Ten Years after the passing of this Act, to sell, and by any Deed, and for such Consideration as they may deem reasonable, to convey to the Purchasers thereof, any Part of such Lands, or any Estate or Interest purchased by the said Commissioners in such Lands, or any Part thereof, in such Manner as they shall deem most advantageous; and such Conveyances from the said Commissioners shall be valid and effectual to all Intents and Purposes: Provided always, that if the said Commissioners shall not within the said Ten Years sell and dispose of such Lands, or any Estate or Interest therein, then the same shall vest in and become the absolute Property of the Owner or Owners of the Land adjoining the Land which shall be so disposed of asaforesaid.

In case the Works are abandoned, the Lands to vest in the Owners of adjoining Lands.

LXXXVI. And be it further enacted, That if the said Bridge and the Approaches thereto shall at any Time hereafter be abandoned or given up by the said Commissioners, or after the same shall have been completed shall for the Space of Three Years cease to be used and employed as a Bridge, then in such Case the Lands so purchased or taken by the said Commissioners for the Purposes of this Act, or otherwise the Parts thereof over which the said Bridge which shall be so abandoned or given up by the said Commissioners, shall vest in the Owners for the Time being of the Land adjoining that which shall be so abandoned or given up in manner following; (that is to say,) one Moiety thereof in the Owners of the Land on the one Side, and the Remainder thereof in the Owners of the Land on the other Side thereof.

Compulsory Clause as to Purchases limited to Three Years.

LXXXVII. And be it further enacted, That unless the said Commissioners shall within the Space of Three Years, to be computed from the Day of the passing of this Act, agree for or cause to be valued and paid for, as in this Act is mentioned, the Lands which they are by this Act empowered to take or use, or otherwise so much thereof as shall be by them deemed necessary and proper for the Purpose of constructing the said Works hereby authorized, then and from thenceforth the Powers which are hereby granted to them

them for the compulsory taking or using of such Lands shall cease and be utterly void.

To compel Payment of Subscriptions, &c.

LXXXVIII. And be it further enacted, That the several Parties who have subscribed or shall or may hereafter subscribe for or towards the said Bridge or Approaches or other Works by this Act authorized shall and they are hereby required to pay the respective Sums of Money, or to provide, supply, do, and perform the Stone, Materials, Work, and Labour respectively subscribed or agreed or engaged for, or such Parts or Proportions thereof and at such Times and Places as shall from Time to Time be called for and directed by the said Commissioners under and by virtue of the Powers of this Act; and in case any Party shall refuse or neglect to pay the Money, or to provide, do, and perform the Stone, Materials, Work, and Labour by him so subscribed or agreed or engaged for, or the Part thereof so called for, at the Time and in the Manner required for that Purpose, it shall be lawful for the said Commissioners to sue for and recover the same, or the Value or Amount thereof, in any Court of Law or Equity, together with Interest on such unpaid Sum of Money, Value, or Amount at the Rate of Five Pounds *per Centum per Annum* from the Time when the same shall have been directed to be paid, provided, or done.

Public Act.

LXXXIX. 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.

SCHE-

SCHEDULE to which the foregoing Act refers.

Names of Owners or reputed Owners.	Occupiers.	Description of Property.
Thomas Houldsworth Esq. - -	Own Occupation - -	Road.
James Blair and John Hawthorn, as Trustees under the Will of the late Thomas Bainbrigge, Esq., and George Alsop Bainbrigge, Esq., and Mary Ann his Wife.	Thomas Smith - -	Meadow.
Duchy of Lancaster - - -	Sir Thomas Cotton Sheppard, Bart.	Bed of the River Dove.
Thomas Houldsworth, Esq. - - -	Joseph Lowndes - -	Meadow.
Trustees for the Poor of the Parish of Marston Montgomery.	Charles Parkes - -	Brook.
Trustees for the Poor of the Parish of Marston Montgomery.	Charles Parkes - - - - - -	Meadow.
The Surveyors of the Highways of the Parish of Marston Montgomery.		Road.
Thomas Houldsworth, Esq. - -	Joseph Lowndes - -	Meadow.
James Blair and John Hawthorn, surviving Trustees under the Will of the late Thomas Bainbrigge, Esq., and George Alsop Bainbrigge, Esq., and Mary Ann his Wife.	Thomas Smith - -	Meadow.
Thomas Houldsworth, Esq. - -	Joseph Lowndes - -	Meadow.
James Blair and John Hawthorn, surviving Trustees under the Will of the late Thomas Bainbrigge, Esq., and George Alsop Bainbrigge, Esq., and Mary Ann his Wife.	Thomas Berrisford -	Meadow.
Stephen Watson - - -	Stephen Watson - -	Meadow.
Charles Savage Landor, Clerk - -	William Selkirk - -	Meadow.
Charles Savage Landor, Clerk - -	William Selkirk - -	Meadow.
James Blair and John Hawthorn, surviving Trustees under the Will of the late Thomas Bainbrigge, Esq., and George Alsop Bainbrigge, Esq., and Mary Ann his Wife.	- - - -	Waste.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1838.