ANNO QUINQUAGE MO SECUNDO

GEORGII III. REGIS.

Cap. 80.

An Act for taking down and rebuilding certain Parts of the Bridge over the river *Avon*, at or near *Stratford-upon-Avon*, in the County of *Warwick*, and for widening the same Bridge, and improving the Approaches thereto. [5th *May* 1812.]

WHEREAS the Stone Bridge over the River *Avon*, at or near the Town or Borough of *Stratford-upon-Avon*, in the County of *Warwick*, which was erected in the Reign of King *Henry* the Seventh, by Sir *Hugh Clopton*, Knight, and hath from Time to Time been repaired by the Mayor, Aldermen, and Burgesses of the Borough of *Stratford* aforesaid, and Parts of the said Bridge are in a ruinous State, narrow and inconvenient; and it is dangerous for Persons, Carriages, and Cattle to pass over the same: And whereas the said Bridge is situated in the great public Road from *Holyhead* to *London*, and it would be of great Benefit to all Travellers who may have Occasion to pass along the said Road, and of public Utility, if the said Bridge were taken down and rebuilt, or widened, and substantially repaired, and if the Approaches, Roads, and Passages thereto were widened, opened, and made commodious: but the said Mayor, Aldermen, and Burgesses, do not possess any adequate Fund to enable them to rebuild, widen, and repair, or improve the same, and the several Purposes aforesaid, cannot be effectually accomplished without the Aid of Parliament; May it therefore please Your Majesty, that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Mayor, Aldermen, and Commissioners

and Burgeſſes of the Borough of *Stratford-upon-Avon* for the Time being, *Robert Middleton Atty* Eſquire, the Reverend *Arthur Anneſly*, the Honourable *Henry Greville*, commonly called Lord *Brooke*, *John Bree* M.D *Edmund Batterſbee* Eſquire, the Reverend *Robert Barnard*, the Reverend *John Carleton*, *George Cattell* Eſquire, *Francis Canning* Eſquire, *Robert Canning* Eſquire, the Reverend *Richard Simcoe*, *Charles Edward Clopton* Eſquire, *Edward Bolton Clive* Eſquire, *Michael Corbett* Eſquire, the Reverend *James Davenport*, D. D., *Wriotheſly Digby* Eſquire, *Bernard Dewes* Eſquire, *Dugdale Stratford Dugdale* Eſquire, the Reverend *John Ellis*, the Reverend *Francis Ellis*, *Thomas Fetherſton* Eſquire, *Bertie Greatheed* Eſquire, *Edward Thoroton Gould* Eſquire, *Richard Greſley* Eſquire, *William Holbech* Eſquire, *William Holbech* junior, Eſquire, *William Harding* Eſquire, *Henry Hugh Holbech* Eſquire, *Thomas Hunt* Eſquire, *Robert Hobbes* Eſquire, *John Hawkes* Eſquire, the Reverend *William Heath*, *Edward Townſhend Higgins* Eſquire, *John Ingram* Eſquire, the Reverend *Francis Forteſcue Knottesford*, *William Little* Eſquire, *George Lloyd* Eſquire, *George Lucy* Eſquire, *John Gamaliel Lloyd* Eſquire, the Reverend *John Lucy*, *John Lucy* Eſquire, Sir *Charles Mordaunt* Baronet, *Chriſtopher Muſgrave* Eſquire, *William Mills* Eſquire, *Charles Mills* Eſquire, the Reverend *Francis Mills*, *Robert Harvey Malory* Eſquire, *Fiennies Sanderſon Miller* Eſquire, *William Moody* Eſquire, *John Mills* Eſquire, *John Mills* Junior, Eſquire, *William Oldaker* Eſquire, *Charles Porter Packwood* Eſquire, *Samuel Peach* Eſquire, the Reverend *Rogers Packwood*, the Reverend *Francis Rufford*, the Reverend *William Squire Rufford*, Sir *Gray Skipwith* Baronet, Sir *Edward Joſeph Smythe* Baronet, *Ralph Sheldon* Eſquire, *Edward Sheldon* Eſquire, *John Evelin Shirley* Eſquire, *Richard Smyth* Eſquire, *Walter Stubbs* Eſquire, Sir *John Throckmorton* Baronet, *William Throckmorton* Eſquire, *Gore Townſend* Eſquire, *Thomas Townſend* Eſquire, *Edward James Townſend* Eſquire, the Reverend *Henry Townſhend*, the Honourable *Henry Verney*, *Thomas Ward* Eſquire, *Charles Gregory Wade* Eſquire, *Matthew Wiſe* Senior, Eſquire, *Matthew Wiſe* Junior, Eſquire, *James Roberts Weſt* Eſquire, *Richard Wyatt* Eſquire, *Henry Wyatt* Eſquire, the Reverend *Poyntz Stewart Ward*, the Reverend *Elias Webb*, *Eardley Wilmot* Eſquire, and the Honourable *Francis Seymour Conway*, commonly called the Earl of *Yarmouth*, and the ſeveral other Perſons from Time to Time to be elected and appointed in Manner hereinafter mentioned, ſhall be and they are hereby appointed Commiſſioners for putting this Act in Execution, and ſhall be ſtyled and called by the Name of "The Commiſſioners for "widening and repairing, or rebuilding the Bridge over the River *Avon*, "at or near *Stratford-upon-Avon*, in the County of *Warwick*;" and by ſuch Name and Deſcription ſhall and may ſue and plead, and may be ſued in all Courts and Places whatſoever, and by the ſame Name and Deſcription ſhall and may purchaſe, take, hold, and enjoy, any Meſſuages, Lands, Tenements, or Hereditaments, Goods and Chattels, for the Purpoſes of this Act, ſubject to the Proviſions and Regulations hereinafter contained; and in every Indictment to be preferred for any Felony or Miſdemeanor in ſtealing, taking, carrying away, demoliſhing, deſtroying, or damaging any of the Buildings, Works, Materials, Goods, or Chattels of the ſaid Commiſſioners, it ſhall be ſufficient to ſtate the ſame to be the Property of the Commiſſioners for widening and repairing, or rebuilding the Bridge over the River *Avon*, at or near *Stratford-upon-Avon*, in the County of *Warwick*.

II. And

Appointment of new Commissioners.

II. And be it further enacted, That the said Commissioners, or any Five or more of them, shall and may, at any Meeting to be held for the Purposes of this Act, if they shall deem it fit and proper, elect any other Commissioner or Commissioners, not exceeding the Number of Ten, in addition to the Commissioners hereinbefore named; and such Commissioners so nominated and appointed, shall have and exercise the like Powers and Authorities for carrying this Act into Execution as if they had been nominated in this Act; and in case any of the Commissioners appointed or hereafter to be appointed under or by virtue of this Act, shall refuse or neglect to act for the Space of Twelve Calendar Months together, after having been duly convened by the Clerk to the said Commissioners, or shall die or become disqualified or disabled from acting as a Commissioner by virtue of this Act, then and so often it shall be lawful for the surviving or remaining Commissioners under this Act, or any Five or more of them, assembled at the then next or any subsequent Meeting which shall be held by virtue of this Act, and they are hereby required to elect and appoint a Commissioner, qualified as hereinafter mentioned, in the Room and Stead of every such Commissioner so refusing or neglecting to act, or dying, or becoming disqualified or disabled to act as before mentioned; and every such Commissioner so from Time to Time elected and appointed as hereinbefore is directed, shall be joined with the other Commissioners, and have the like Power and Authority vested in him in all Respects whatsoever, for putting this Act in Execution, as if he had been named a Commissioner in and by this Act.

Qualification of Commissioners.

III. Provided always, and be it further enacted, That no Person (except the Persons who shall act as Commissioners by virtue of their respective Offices) hereinbefore particularly named or hereafter to be appointed as hereinbefore mentioned, shall be capable of acting as a Commissioner in the Execution of this Act, (otherwise than in administering the Oath hereinafter mentioned) unless at the Time of his acting he shall be in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or other Hereditaments, of the clear Yearly Value of Forty Pounds above Reprizes, or possessed of or entitled unto a Personal Estate alone, or Real and Personal Estate together, of the clear Amount or Value of Eight hundred Pounds, or shall be Heir Apparent of some Person seised of a Real Estate of the clear Yearly Value of Eighty Pounds above Reprizes, and shall have taken and subscribed an Oath to the following Effect, (which Oath any One of the Commissioners is hereby empowered to administer):

Oath

'I *A. B.* do swear, that I am truly in my own Right [*or*, in the Right of my Wife] in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or other Hereditaments, of the clear Yearly Value of Forty Pounds above Reprizes, or possessed of, or entitled unto a Personal Estate alone, or Real and Personal Estate together, of the clear Amount or Value of Eight hundred Pounds, or am Heir Apparent of some Person seised of a Real Estate of the clear Yearly Value of Eighty Pounds above Reprizes; and that I will well and truly execute and perform all and every the Powers and Authorities vested in me in pursuance of an Act, made in the Fifty-second Year of the Reign of King *George* the Third, intituled,

'*An*

'*An Act* [*here ſet forth the Title of this Act*] according to the beſt of my 'Skill and Judgment. 'So help me GOD.'

And that no Perſon who by virtue of his Office may be a Commiſſioner for executing this Act, ſhall act as ſuch until he ſhall have taken and ſubſcribed an Oath to the following Effect (which Oath any one of the Commiſſioners may adminiſter):

'I do ſwear, that I will, according to the beſt 'of my Skill and Judgment, truly and faithfully execute and perform 'all the Powers and Authorities veſted in me by an Act, made in the 'Fifty-ſecond Year of the Reign of King *George* the Third, intituled, *An* '*Act* [*here ſet forth the Title of this Act.*]

'So help me GOD.'

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

Commiſſioners being Juſtices may act as ſuch.

Meetings of Commiſſioners.

IV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, and they are hereby required to meet at the *White Lion*, within the ſaid Borough of *Stratford-upon-Avon*, or at any other convenient Place within the ſaid Borough, on the Firſt Day of *July* next after the paſſing of this Act, or as ſoon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon, and Three of the Clock in the Afternoon on the Day of ſuch Meeting; and the ſaid Commiſſioners, or any Five or more of them ſo aſſembled, ſhall and may proceed to put this Act in Execution, and then and from Time to Time afterwards may adjourn themſelves to meet and may meet at ſuch Time and Place within the ſaid Borough, or within the Diſtance of Eight Miles thereof, as the ſaid Commiſſioners, or any Five or more of them, preſent at any ſuch Meetings, ſhall think convenient; and if Five Commiſſioners ſhall not attend at the Time and Place appointed for any ſuch Meeting, then the Clerk to the ſaid Commiſſioners, or any One Commiſſioner, ſhall and may adjourn the Meeting of the ſaid Commiſſioners to be held on that Day Three Weeks, at the ſame Place as the laſt Meeting of the Commiſſioners was appointed to be held; and

the Clerk to the ſaid Commiſſioners ſhall cauſe Ten Days Notice in Writing thereof to be affixed upon the Toll Houſe or Toll Gate to be erected as hereinafter mentioned, or upon ſome other conſpicuous Place on, at, or near the ſaid Bridge; and that at all Meetings to be held in purſuance of this Act the ſaid Commiſſioners ſhall defray their own Expences, except for the Uſe of the Room or Apartment where ſuch Meetings ſhall be held, which ſhall be paid for out of any Monies to be received by virtue of this Act; and no Act of the ſaid Commiſſioners ſhall be valid unleſs made or done at ſome Meeting to be held by virtue of this Act; and that all Powers and Authorities by this Act granted to or veſted in the ſaid Commiſſioners appointed or to be appointed by or by virtue of this Act, ſhall and may from Time to Time be exerciſed by the major Part of them preſent at their reſpective Meetings to be holden as aforeſaid, the Number of Commiſſioners preſent at ſuch Meetings not being leſs than Nine for the Purpoſe of borrowing Money, and not being leſs than Seven for the Purpoſe of making Contracts by virtue of this Act, and not being leſs than Five in any other Caſe, unleſs where herein otherwiſe particularly provided for; and that in all Caſes the ſaid Commiſſioners ſhall vote by Ballot, in caſe the ſame ſhall be deſired by any Two or more of the ſaid Commiſſioners then preſent, and in all Caſes where the Number of Votes upon any Queſtion ſhall be equal (including the Chairman's Vote) the Chairman ſhall have the caſting Vote; and at every Meeting to be held under or in purſuance of this Act, the firſt Buſineſs thereof ſhall be the Election of a Chairman to preſide at the ſame.

Commiſſioners to defray their own Expences.

No Act valid except at a Meeting.

Regulation of Meeting.

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

Special Meetings.

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

Reſtrictions on revoking Orders.

VII. And be it further enacted, That regular Entries ſhall be made in a Book to be provided for that Purpoſe, of all Acts, Orders, and Proceedings of the ſaid Commiſſioners, and of the Names of the Commiſſioners who ſhall be preſent at the reſpective Meetings, and any One or more of the ſaid Commiſſioners who ſhall be preſent, or their Clerk, ſhall ſubſcribe his or their Name or Names at the End of the Proceedings of the reſpective Meetings; and all ſuch Entries ſo ſigned ſhall be deemed Originals,

Proceedings of the Commiſſioners to be entered.

and the ſame or true Copies thereof ſhall be allowed to be read in Evidence in all Cauſes, Suits, Actions, Informations, and other Proceedings, touching any Thing done in purſuance of this Act, or touching any Penalty or Forfeiture hereby made recoverable, or any other Matter relating to the Execution thereof; and ſuch Books ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Commiſſioners, and of all and every Perſon and Perſons to whom Money ſhall be due on the Credit of this Act.

Officers to be appointed who ſhall give Security.

VIII. And be it further enacted, That the ſaid Commiſſioners ſhall from Time to Time, by Writing under their Hands, appoint a Treaſurer, Clerk, Collector or Collectors, Surveyor or Surveyors, and ſuch other Officers and Perſons as they ſhall think proper, and may remove any ſuch Officers and Perſons as they ſhall think proper, and appoint others in their Stead; and ſhall pay ſuch Salaries and make ſuch Allowances to all ſuch Officers or Perſons as they the ſaid Commiſſioners ſhall think reaſonable; and the ſaid Commiſſioners are hereby required to take ſuch Security from every ſuch Treaſurer, Clerk, Collector or Collectors, Surveyor or Surveyors, for the due Execution of their reſpective Offices as they the ſaid Commiſſioners ſhall think proper.

Treaſurer and Collectors to account.

IX. And be it further enacted, That all ſuch Officers and Perſons ſhall under their Hands (at ſuch Time and Times and in ſuch Manner as the ſaid Commiſſioners ſhall direct) deliver to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing of all ſuch Matters and Things as may be committed to their Charge, and alſo of all Monies received by them, by virtue and for the Purpoſes of this Act, and of all Sums of Money by them paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments and Diſburſements, and ſhall pay all ſuch Monies as ſhall remain in their Hands reſpectively to the Treaſurer to be appointed by virtue of this Act; and all and every ſuch Officer and Officers, Perſon and Perſons, ſo accounting ſhall, if thereunto required by the ſaid Commiſſioners, verify ſuch Accounts upon Oath (which Oath any One of the ſaid Commiſſioners is hereby empowered to adminiſter); and if any ſuch Officer or Officers, Perſon or Perſons, ſhall wilfully refuſe to make and render, or ſhall refuſe or neglect to verify upon Oath any ſuch Account, or to produce or deliver the Vouchers relating to the ſame, or to make Payment thereof as aforeſaid, or ſhall not deliver to the ſaid Commiſſioners, or to ſuch Perſon as they ſhall appoint, within Fifteen Days next after being thereunto required by Notice in Writing, to be ſigned by the ſaid Commiſſioners, or any Five or more of them, and given to or left at the laſt or uſual Place of Abode of ſuch Officer or Officers, Perſon or Perſons, all Books, Papers, and Writings, in his or their Cuſtody or Power relating to the Execution of this Act, or Duplicates thereof reſpectively, or give Satisfaction to the ſaid Commiſſioners reſpecting the ſame, then and in any of the Caſes aforeſaid, the ſaid Commiſſioners may and are hereby authorized and empowered to bring or cauſe to be brought any Action or Actions againſt the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing as aforeſaid, for the Recovery of the Money which ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively, with Coſts of Suit; or if Complaint ſhall be made on Behalf of the ſaid Commiſſioners of any ſuch Refuſal or Neglect as aforeſaid to any

Juſtice

Juſtice of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons ſo neglecting or refuſing, ſhall be or reſide, ſuch Juſtice is hereby authorized and required by Warrant under his Hand and Seal, to cauſe ſuch Officer or Officers, Perſon or Perſons, to be brought before him, and upon his or their appearing, or refuſing to appear, or neglecting, upon Notice ſerved or left at his or their laſt or uſual Place of Abode, to appear, to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter), it ſhall appear to ſuch Juſtice that any Money which ſhall have been raiſed and collected by virtue of this Act, ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice is hereby authorized and required, upon Non-payment thereof, to cauſe by Warrant under his Hand and Seal, ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons; and if no ſuch Goods and Chattels can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſame, or if it ſhall in Manner aforeſaid appear to ſuch Juſtice, that any ſuch Officer or Officers, Perſon or Perſons, had refuſed or wilfully neglected to render and give ſuch an Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of ſuch Officer or Officers, Perſon or Perſons, and he or they ſhall have refuſed or neglected to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then ſuch Juſtice ſhall commit him or them to the Common Gaol or Houſe of Correction of the County or Place where ſuch Offender or Offenders ſhall be or reſide, there to be without Bail or Mainprize until ſuch Officer or Officers, Perſon or Perſons, ſhall make and give a true and perfect Account, and have paid ſuch Money as aforeſaid, or ſhall have compounded for ſuch Money with the ſaid Commiſſioners, and have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Commiſſioners are hereby empowered to make and receive), or until ſuch Officer or Officers, Perſon or Perſons, ſhall deliver up all ſuch Books, Papers, and Writings, or Duplicates of the ſame as aforeſaid; provided that no Perſon who ſhall be committed on account of his not having ſufficient Goods and Chattels as aforeſaid, ſhall be detained in Priſon for any longer Term than Six Calendar Months.

Property of Bridge, &c. veſted in Commiſſioners.

X. And be it further enacted, That from and after the paſſing of this Act, all that the preſent Bridge over the River *Avon*, at or near the ſaid Town or Borough of *Stratford-upon-Avon*, called *Stratford Stone Bridge*, and the Site and Situation whereon the ſame ſtands, and the Materials thereof, and ſuch Part or Parts of the preſent Approaches, Roads, and Paſſages thereto, as have been repaired by the ſaid Mayor, Aldermen, and Burgeſſes, and any Bridge to be erected by virtue of this Act, ſhall belong to and the ſame are hereby veſted in the ſaid Commiſſioners.

To take down the preſent Bridge, &c.

XI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to take down, remove, carry away, ſell, and diſpoſe of the preſent Bridge, and the Materials thereof, or ſo much and ſuch Part or Parts thereof, and in ſuch

ſuch Manner as they ſhall think proper, and to conſtruct and build a new Bridge of Stone, Iron, Brick, or other Materials, of ſufficient Width for the Paſſage of Carriages, with a proper uniform Balluſtrade on each Side thereof over the ſaid River, upon or within One hundred Yards of the Site, and inſtead of the preſent Bridge, or to widen, alter, and repair the preſent Bridge, or ſo much and ſuch Parts of the ſame as the ſaid Commiſſioners ſhall think proper, and to dig and make proper Foundations in the ſaid River, and on the Lands on each Side thereof, within the Diſtance laſt mentioned, for the Piers and Abutments of the ſaid Bridge, and to cut and level the Banks of the ſaid River, in ſuch Manner as the ſaid Commiſſioners ſhall think neceſſary and proper for widening, repairing, or rebuilding the ſaid Bridge, and to remove or cauſe to be removed any Shoals or other Obſtructions in the ſaid River, and to cut, remove, take, and carry away any Trees, Roots of Trees, Gravel, Sand, Mud, or any other Impediment whatſoever, which may in anywiſe hinder the widening, repairing, or re-building of the ſaid Bridge, and to deepen and widen the ſaid River for thoſe Purpoſes; and alſo to widen the Approaches, Roads, and Paſſages to and from the ſaid Bridge within Two hundred Yards of each End thereof, in ſuch Manner as may facilitate the Approach to and Paſſage over the ſame, and alſo to do, perform, and execute, all other Matters and Things requiſite and neceſſary, uſeful or convenient, for taking down, ſelling, and diſpoſing of the preſent Bridge, or any Part or Parts thereof, or for widening, repairing, or rebuilding the ſaid Bridge, or any Part or Parts thereof, according to the true Intent and Meaning of this Act; and the ſaid Commiſſioners ſhall from Time to Time have full Power and Authority to land on either Side of the ſaid River all Materials and other Things to be uſed in and about the widening, repairing, or rebuilding the ſaid Bridge, and there to work and uſe ſuch Materials and Things accordingly, they the ſaid Commiſſioners, and the Perſons to be appointed by them as aforeſaid, doing as little Damage as may be, and making ſuch Satisfaction as is hereinafter mentioned, to the reſpective Owners and Occupiers of all ſuch Lands and Grounds as ſhall be damaged, ſpoiled, taken, or made Uſe of for the Purpoſes aforeſaid: Provided always, that nothing herein contained ſhall authorize or empower the ſaid Commiſſioners to take down the preſent Bridge, or to deſtroy the Paſſage over and acroſs the ſaid River, until a Bridge ſhall be built and made fit for the Paſſage of Perſons, Horſes, and Carriages; and if the ſaid Commiſſioners ſhall take down and remove any Part of the preſent Bridge, for the Purpoſe of repairing, widening, or rebuilding the ſame, they ſhall take down ſuch Part or Parts thereof as will not hinder or obſtruct the Paſſage over the ſaid River, and ſhall make proper temporary Fences where neceſſary, ſo as the Lives of His Majeſty's Subjects, who may have Occaſion to paſs and repaſs over the ſaid Paſſage, may not be endangered.

Certain Buildings and Lands belonging to the Reverend Francis Forteſcue Knottesford, not to be uſed for the Purpoſes

XII. Provided always, and be it further enacted, That nothing herein contained ſhall authorize and empower the ſaid Commiſſioners, or any other Perſon or Perſons, to take down or uſe, or to injure or damage the Wall on the North Side of the Road approaching to the preſent Bridge, belonging to the Manſion Houſe of the Reverend *Francis Forteſcue Knottesford*, ſituate at *Bridgetown*, in the Pariſh of *Alveſton*, in the ſaid County of *Warwick*, called *Bridgetown Houſe*, in the Occupation of *Mary Higgins*, or the Summer-Houſe now ſtanding at the Weſt End of the ſaid Wall,

or the Planted Walk, Avenue, or Lawn, incloſed and adjoining the ſaid Houſe, without the Conſent of the Owner and Proprietor of ſuch Houſe for the Time being. of the Act, without his Conſent.

XIII. Provided alſo, and be it further enacted, That nothing herein contained ſhall authorize or empower the ſaid Commiſſioners, or any other Perſon or Perſons, to take down or uſe, or to injure or damage the Houſe called the *Shoulder of Mutton Inn*, on the Southward Side of the Road approaching to the preſent Bridge, belonging to *Edward Clopton*, ſituate at *Bridgetown*, in the Pariſh of *Stratford-upon-Avon* aforeſaid, or any Building belonging to ſuch Houſe, or any of the Land and Ground incloſed and adjoining the ſaid Houſe, without the Conſent of the ſaid *Edward Clopton*, or the Owner or Proprietor of the ſaid Houſe for the Time being, ſave and except the Wharf or Quay ſituate at the Foot of the preſent Bridge on the Southward Side thereof; and alſo ſo much and ſuch Part of the Stable-yard and Rick-yard belonging to the ſaid Houſe, on the Weſtward Side of and adjoining the Turnpike Road from *London*, between the Gateway or Entrance into the ſaid Stable-yard near the ſaid Houſe, and the Termination of the Hedge at the North Corner of a certain Cloſe called the *Bear Cloſe*, as ſhall by the ſaid Commiſſioners acting in the Execution of this Act, be deemed neceſſary for widening the Approach to the ſaid Bridge, which ſaid Wharf or Quay, and the ſaid excepted Land and Ground, it ſhall be lawful for the ſaid Commiſſioners to cauſe to be taken and uſed for the Purpoſe of the ſaid Act, as they ſhall think proper, making ſuch Recompence and Satisfaction for the ſame as hereinafter is mentioned, provided the ſaid Land and Ground to be taken from the ſaid Stable-yard and Rick-yard be taken in the Form of an Ellipſis or Curve, having the Gateway and Termination of the Hedge before deſcribed for its Two Extremities, and whoſe greateſt Area or Space from the preſent Wall or Fence, which ſeparates the ſaid Stable-yard and Rick-yard from the ſaid Turnpike Road, ſhall not exceed Fifteen Feet, and provided the ſaid Commiſſioners do cauſe to be erected and built a Brick Wall of the Thickneſs of Nine Inches at the leaſt, and of the Height of Six Feet in every Part thereof, and covered at the Top with good coping Stone or Bricks. Lands and Premiſes belonging to Edward Clopton, not to be taken without his Conſent.

XIV. Provided always, and be it further enacted, That no Houſe or Building whatſoever, except the Toll Houſe and Toll Gate hereinafter mentioned, ſhall be erected upon the ſaid Bridge, but that the ſame ſhall lie quite open, except as aforeſaid, and be deemed and uſed as a common public Highway for ever. No Houſes, &c. to be erected upon the Bridge.

XV. And be it further enacted, That the Toll Houſe, Buildings, Toll Gates, Poſts, Pales, Rails, Chains, Bars, Fences, and other Things, to be erected, made, or provided, by virtue of this Act, ſhall be the Property of and are hereby veſted in the ſaid Commiſſioners. Toll Houſe and Gate veſted in the Commiſſioners.

XVI. And be it further enacted, That the ſaid Commiſſioners ſhall and may and they are hereby authorized and empowered to contract and agree with any fit Perſon or Perſons, Artificers, Workmen, and others, for the making and doing of all and every or any Part of the Works by this Act authorized and directed to be done and performed, or for ſupplying any of the Materials for the ſame, which Contract or Contracts Commiſſioners may contract for performing Works.

ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Penalties to be ſuffered in caſe of the Non-performance thereof, and ſhall be ſigned by Seven or more of the ſaid Commiſſioners, and alſo by the Perſon or Perſon contracting to perform ſuch Works reſpectively; which Contract or Contracts, or a Copy or Copies thereof, ſhall be entered in a Book to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners, but previous to making any ſuch Contract Ten Days Notice at the leaſt ſhall be given on the Door of the Chapel within the Borough of *Stratford-upon-Avon*, upon a *Sunday*, and alſo in ſome Newſpaper publiſhed in the County of *Warwick*, expreſſing the Intention of entering into a Contract for the Purpoſes aforeſaid, in order that any Perſon or Perſons, willing to undertake the ſame, may make Propoſals for that Purpoſe, to be offered and preſented to the ſaid Commiſſioners at a certain Time and Place in ſuch Notice to be mentioned.

Commiſſioners may purchaſe or hire Ground for getting Materials.

XVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered to purchaſe, take, or hire, any Piece or Pieces of Land or Ground for the Purpoſe of digging, cutting, gathering, and taking away any Gravel, Stones, Ballaſt, Sand, Chalk, Flint, or Materials, for any of the Purpoſes of this Act, or for the Purpoſe of depoſiting ſuch Materials on the ſame as ſhall appear to them to be neceſſary, for ſuch Sum or Sums of Money, Yearly Rent or Rents, or for ſuch Time as to them ſhall appear reaſonable, which Sum or Sums of Money, Yearly Rent or Rents, ſhall be reſpectively paid out of the Monies to ariſe by virtue of this Act.

Power to purchaſe Lands and Buildings, &c.

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, to contract and agree with the Owners and Occupiers, and all other Perſons intereſted in any Meſſuages, Buildings, Lands, Tenements, or Hereditaments, which the ſaid Commiſſioners for the Time being may think neceſſary and proper for the Purpoſes of this Act, and to and for all Perſons whomſoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees for Lunatics and Idiots, or other Truſtees, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their *Ceſtuique* Truſts, whether Infants or Iſſue unborn, Lunatics or Idiots, and for Femes Covert, and all and every other Perſon and Perſons under any legal Diſability or Incapacity whatſoever, and to and for all and every other Perſon or Perſons who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Meſſuages, Buildings, Lands, Tenements, or Hereditaments, which the ſaid Commiſſioners ſhall think neceſſary to be purchaſed for the Purpoſes of this Act, to contract for, ſell, and convey to the ſaid Commiſſioners, or to ſuch Perſon or Perſons, and his, her or their Heirs, as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct or appoint, in Truſt, to be made Uſe of for the Purpoſes aforeſaid, or any of them, all or any of ſuch Meſſuages, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, and the Feeſimple and Inheritance thereof, or any Term of Years, or any Eſtate or Intereſt therein; and every ſuch Contract, Agreement, Bargain, Sale, Aſſignment, or other Conveyance, ſhall, without any Fine or common Recovery, be good, valid, and effectual in Law, to all Intents and Pur-

poſes whatſoever, any Law, Statute, or Uſage to the contrary thereof in anywiſe notwithſtanding; and all ſuch Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees for Lunatics and Idiots, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue and in purſuance of this Act.

Bodies Politic or other Perſons refuſing to treat, Jury to aſcertain the Value, &c.

XIX. And be it further enacted, That if any Perſon or Perſons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Perſon or Perſons ſeiſed or poſſeſſed thereof, or intereſted in any Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be wanted for the Purpoſes of this Act, ſhall refuſe to treat, contract, and agree with the ſaid Commiſſioners, or if they ſhall be abſent beyond the Seas, or ſhall not be known, or if the Place of Reſidence of any ſuch Perſon or Perſons cannot by reaſonable Enquiry be diſcovered, or in caſe the ſaid Commiſſioners, and any Perſon or Perſons with whom they may contract and agree for the Sale of any ſuch Meſſuages, Lands, Tenements, or Hereditaments, ſhall chuſe to have the Value thereof aſcertained by a Jury, then and in every ſuch Caſe happening, the ſaid Commiſſioners, or any Seven or more of them, ſhall give or cauſe to be given to ſuch Owner or Owners, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Perſons, or leave or cauſe to be left at the Houſe of the Tenant or Occupier of ſuch Meſſuages, Lands, Tenements, and Hereditaments, Ten Days Notice in Writing, particularizing and deſcribing the ſame, and that the Value thereof is intended to be aſcertained and ſettled by a Jury of indifferent Men, of the Borough of *Stratford-upon-Avon* and County of *Warwick*, or one of them, or in caſe ſuch Meſſuages, Lands, Tenements, or Hereditaments, ſhall be unoccupied, ſhall affix the like Notice on ſome conſpicuous Place thereof; and upon the Expiration of ſuch Notice or Warning ſo to be given, left or affixed as aforeſaid, the ſaid Commiſſioners, or any Seven or more of them, are hereby empowered and required to cauſe a Jury to be ſummoned by the Sheriff of the County of *Warwick* or his Deputy, in Manner hereinafter mentioned, who is hereby empowered to call and ſummon before ſuch Jury, and examine upon Oath, any Perſon or Perſons whomſoever, (which Oath the ſaid Sheriff or his Deputy is and are hereby empowered to adminiſter); and the ſaid Sheriff or his Deputy ſhall, by ordering a View or otherwiſe, uſe all Ways and Means for the Information of the Jury in the Premiſes; and after the ſaid Jury ſhall have enquired of, and by their Verdict have aſcertained the Value, and aſſeſſed the Sum to be paid for the Purchaſe of ſuch Meſſuages, Lands, Tenements, or Hereditaments, the ſaid Commiſſioners, or any Seven or more of them, ſhall thereupon order the Sum or Sums of Money ſo aſcertained and aſſeſſed by the Jury, to be the Value thereof, to be paid to the ſaid Owners, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Perſons intereſted in ſuch Meſſuages, Lands, Tenements, or Hereditaments, according to the Inquiſition and Verdict of the ſaid Jury; which ſaid Inquiſition and Verdict ſhall be final, binding, and concluſive, to all Intents and Purpoſes whatſoever, as well againſt all Parties and Perſons whomſoever claiming or to claim in Poſſeſſion, Remainder, Reverſion, or otherwiſe, their Heirs and Succeſſors, Infants, Femes Covert, Lunatics, Idiots, or Perſons under any Diſability whatſoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, as all other Perſons whomſoever; and for ſummon-

Verdict of the Jury, &c. to be final.

ſummoning and returning ſuch Juries, the Commiſſioners, or any Seven or more of them, are hereby empowered to iſſue their Warrant to the Sheriff of the County of *Warwick*, requiring him or his Deputy to impannel, ſummon, and return Twenty-four indifferent Perſons, to appear before the ſaid Sheriff or his Deputy, at ſuch Time and Place as ſuch Sheriff or his Deputy ſhall appoint; and ſuch Sheriff or his Deputy is, and are hereby empowered and required to impannel, ſummon, and return ſuch Number of Perſons accordingly, and out of the Perſons ſo ſummoned, impannelled, and returned, or out of ſuch of them as ſhall appear upon Summons as aforeſaid, to draw by Ballot, and to ſwear or cauſe to be ſworn Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Deputy, ſhall return other indifferent Men of the Standers-by, or that can be *ſpeedily* procured to attend that Service, to make up the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Commiſſioners, or any Seven or more of them, acting in the Premiſes, ſhall have full Power from Time to Time to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy Bailiff or Officer, making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, who ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn ſhall refuſe to give or ſhall not give a Verdict, or ſhall in any other Manner wilfully neglect his or their Duty therein, contrary to the true Intent and Meaning of this Act, ſo that no ſuch Fine exceed the Sum of Ten Pounds on any one Perſon for one Offence.

Juries may be challenged.

Expences of Jury how to be borne.

XX. And be it further enacted, That if the Sum or Sums of Money ſo to be aſcertained and aſſeſſed by any ſuch Jury, for the Purchaſe of any ſuch Meſſuages, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, ſhall exceed the Sum or Sums of Money which ſhall have been agreed to and offered by the ſaid Commiſſioners, or any Seven or more of them, for the ſame, before the ſummoning and returning of the Jury, that then and in ſuch Caſe the Coſts and Charges of ſummoning the ſaid Jury and Witneſſes ſhall be borne and paid by the ſaid Commiſſioners, out of the Tolls hereby impoſed and granted, or out of any Money to be borrowed on the Credit thereof; but if the Sum or Sums of Money, ſo to be aſcertained and aſſeſſed by any ſuch Jury, ſhall not exceed the Sum or Sums of Money which ſhall have been agreed to and offered by the ſaid Commiſſioners, or any Seven or more of them, before the ſummoning and returning of the ſaid Jury, that then and in ſuch Caſe the Coſts and Charges of ſummoning the ſaid Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Commiſſioners, or their Succeſſors, ſhall have had the Diſpute, or who ſhall have refuſed to treat as aforeſaid, or requeſted ſuch Jury to be ſummoned: Provided always, that in caſe where any Perſon or Perſons ſhall, by reaſon of Abſence, have been prevented from treating, the whole of ſuch Coſts and Expences ſhall be borne and paid by the ſaid Commiſſioners in Manner aforeſaid.

Conſent of Parties neceſſary before the taking down of Buildings.

XXI. And be it further enacted, That nothing in this Act contained ſhall authoriſe and empower the ſaid Commiſſioners to take down or uſe for the Purpoſes of this Act, any other Meſſuages or Buildings than thoſe which are in this Act particularly mentioned.

XXII. And

Money for Lands how to be charged and tendered.

XXII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Monies to be raiſed by virtue of this Act, either to the Party or Parties reſpectively entitled thereto, or to their Agents, and upon Payment thereof to the Party or Parties entitled to receive the ſame, or on depoſiting the ſame in the Bank of *England* in the Manner directed by this Act, for the Uſe of ſuch Perſon or Perſons reſpectively, and after Payment thereof as aforeſaid, and on Ten Days Notice thereof given to ſuch Parties or Perſons or their Agents, or left at their reſpective uſual Places of Abode, or at their laſt known Place of Abode, or with the Tenant or Tenants in Poſſeſſion of ſuch Lands or Hereditaments, then ſuch Lands and Hereditaments ſhall become veſted in the ſaid Commiſſioners for the Purpoſes of this Act.

Application of Compenſation Money where exceeding 200*l.*

XXIII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers and for the Purpoſes of this Act, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, or ſeiſed or poſſeſſed of only a particular or determinable Eſtate or Intereſt therein, 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 High Court of Chancery, to be placed to his Account *ex parte* the Commiſſioners for widening and repairing or rebuilding the Bridge over the River *Avon* at or near *Stratford-upon-Avon* in the County of *Warwick*, together with the Name or Names of ſuch Perſon or Perſons as any Five of the ſaid Commiſſioners ſhall by Writing under their Hands direct and appoint, purſuant to the Method preſcribed by the Act of the Twelfth Year of King *George* the Firſt, Chapter Thirty-two, and the General Orders of the ſaid Court, and without Fee or Reward, to the Intent that ſuch Money may be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition, to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof as the ſaid Court ſhall authorize to be paid affecting the ſame Lands or Hereditaments, or affecting other Lands or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes, or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands or Hereditaments, which ſhall be conveyed and ſettled to, for and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands or Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, and capable of taking Effect; and in the Meantime, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities, and in the Meantime, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be

ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands or Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation is leſs than 200l. and exceeds 20l.

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

Application where leſs than 20l.

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

In caſe of not making out Titles.

XXVI. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands or Hereditaments to be purchaſed by virtue of this Act, for the Purpoſes aforeſaid, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Commiſſioners, or in caſe the Perſon or Perſons to whom any ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to order the Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the

the Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands or Hereditaments (deſcribing them if they are known) and if they are not known, then generally to the Credit of the Parties intereſted in the ſaid Lands or Hereditaments without any Deſcription of them, ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery, which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum and Sums of Money or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to the Perſon or Perſons who ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Subject to the Order of the Court of Chancery on Motion or Petition.

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

Where any Queſtion ſhall ariſe touching the Title to the Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Land, &c. at the Time of ſuch Purchaſe, ſhall be deemed entitled thereto according to ſuch Poſſeſſion.

XXVIII. Provided always, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court of Chancery, and be applied in the Purchaſe of other Lands and Hereditaments to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all ſuch Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Commiſſioners, or any Three

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

or more of them, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

Commissioners empowered to sell Ground not wanted for the Purposes of the Act.

XXIX. And whereas and by reason of the Purchases which the said Commissioners may make by virtue of this Act, they may become seised of Land or Ground, and also of some Piece or Pieces of Ground now used as a Road or Approach to the said Bridge, which may not be necessary for effectuating the Purposes of this Act; be it therefore further enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, from Time to Time to sell or dispose of such Piece or Pieces of Ground, together or in Parcels, either by Public Sale or Private Contract (as they shall find most advantageous and convenient) to such Person or Persons as shall be willing to contract for and purchase the same; and the said Commissioners shall apply the Money to arise by such Sale or Sales, after defraying all Expences attending the same, to and for the Purposes of this Act.

Owners of Land used in widening or rebuilding Bridge and making new Road, to have the first Offer of the old Road.

XXX. Provided always, and be it enacted, That the Offer of the Purchase of any old Road, or other Piece or Pieces of Ground not wanted for the Purposes of this Act, shall be first made to the Owner of the adjoining Land, as shall be used and taken for the Purpose of widening or rebuilding the said Bridge, or of making the Approaches, Roads, and Passages thereto; and in case such Owner shall be desirous of becoming the Purchaser of such old Road or other Piece or Pieces of Ground, and cannot agree with the said Commissioners for the Price to be paid for the Purchase of the same, then and in such Case the Value thereof shall be settled and ascertained by a Jury in such and the like Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled and ascertained, and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by the Jury to be the Value thereof; and in case such Owner shall refuse to pay such Money upon Demand made thereof by the Treasurer or Clerk to the said Commissioners, and Tender of the Conveyances of such old Road or Piece or Pieces of Ground, the same shall and may be recovered by the said Commissioners, by Action of Debt, in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner shall not agree, or shall refuse to purchase any such old Road or Pieces of Ground, it shall and may be lawful to and for any Person or Persons (not interested in the Premises), to make an Affidavit, to be sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Division, or Place where such old Road or other Piece or Pieces of Ground shall lie, stating that such Offer has been made by or on Behalf of the said Commissioners, and that such Owner has not agreed, or has refused to purchase such old Road or Piece of Ground (as the Case may be); and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to, or refused by such Owner; provided nevertheless, that if the Lands of Two or more Persons shall be taken for any of the Purposes of this Act, each and every such Owner shall be entitled to the first Offer of so much of the old Road, or of any Piece or Pieces of Ground to be sold under this Act, as is lying immediately adjoining to his, her, or their Lands respectively in Manner aforesaid; provided also, that if such Owner or Owners respectively, shall be willing and shall consent to take such old Road or Piece or Pieces of

Ground

Ground in Exchange for any Land or Ground wanted for the Purpoſes of this Act, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby required to aſſure the ſame to ſuch Perſon or Perſons, by entering the ſame in their Books, and delivering to him, her, or them, a Copy of the Entry thereof, ſigned by any Five or more of the ſaid Commiſſioners, which Copy ſhall be a good and valid Title to the ſame, and be available in any Suit in Law or Equity.

Power to erect a Tol Gate.

XXXI. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall and may and they are hereby authorized and empowered to erect or cauſe to be erected ſuch Toll Houſe and Toll Gate, Poſts, Pales, Rails, Chains, Bars, and Fences, upon or acroſs the ſaid Bridge, or at or near the Ends thereof, as they ſhall think proper; and that the ſeveral Tolls hereinafter mentioned ſhall and may be demanded and taken by ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall from Time to Time appoint for that Purpoſe, at the ſaid Toll Houſe or Toll Gate, before any Paſſage over the ſaid Bridge ſhall be permitted; (that is to ſay)

Tolls.

For every Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, or Chair drawn by Six Horſes, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence; and drawn by Four Horſes, Mares, Geldings, or Mules, One Shilling; and drawn by Two Horſes, Mares, Geldings, or Mules, Sixpence; and drawn by One Horſe, Mare, Gelding, or Mule, Three-pence:

For every Waggon, Wain, or other Carriage, (except Carts) One Shilling; and for every Cart drawn by Three or more Horſes, or other Beaſts, Nine-pence; and drawn by leſs than Three Horſes, or other Beaſts, Sixpence:

And for every Horſe, Mare, Gelding, Mule, or Aſs, not drawing, One Penny:

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

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

Which ſaid ſeveral Tolls ſhall be and the ſame are hereby veſted in the ſaid Commiſſioners; and in caſe any Perſon or Perſons, ſubject or liable to the Payment of any of the Tolls aforeſaid, ſhall refuſe or neglect to pay the ſame, or any Part thereof, on Demand as aforeſaid, then it ſhall be lawful for the Perſon or Perſons appointed to collect the ſaid Tolls, by himſelf or themſelves, or taking ſuch Aſſiſtance as he or they ſhall think neceſſary, to ſtop and prevent the Paſſage of the Horſe, Beaſt, Cattle, or Carriage, for or in reſpect of which ſuch Tolls ought to be paid, until full Payment thereof, or to ſeize and diſtrain for the ſame any Horſe or other Cattle, together with the Loading or Gears thereof, or any Carriage with its Loading, for or in reſpect whereof any ſuch Toll is by this Act impoſed or made payable, or any Part thereof, or any of the Goods and Chattels of the Perſon liable to the Payment of ſuch Tolls, and to detain and keep the ſame until ſuch Tolls, with the reaſonable Charge of ſuch Diſtreſs and of detaining and keeping the ſame, ſhall be fully paid; and if ſuch Tolls, together with Coſts and Charges of making and keeping ſuch Diſtreſs, ſhall not be paid within Four Days after the making or taking of ſuch Diſtreſs, it ſhall be lawful to or for the Perſon

or Perſons making ſuch Diſtreſs, to ſell or cauſe to be ſold the ſame, or ſo much thereof as he ſhall think needful, returning the Overplus to ariſe from ſuch Sale, and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Tolls and all the Expences of ſuch Diſtreſs and of the keeping and ſelling the ſame ſhall be deducted.

Tolls payable but Once a Day.

XXXII. Provided always, and be it further enacted, That no Perſon ſhall be ſubject or liable to the Payment of the reſpective Tolls by this Act granted, more than Once in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night, for paſſing and repaſſing any Time or Times with the ſame Carriage, Beaſts, or Cattle, over the ſaid Bridge, the Perſon attending or having the Care of any ſuch Carriage, Beaſts, or Cattle, producing a Ticket denoting ſuch Payment, which Ticket the Collectors of the Tolls are hereby required to give *gratis* upon the Receipt of the Toll.

General Exemptions from Toll.

XXXIII. And be it further enacted, That none of the Tolls hereby authorized to be taken ſhall be demanded, taken, or received, at any Toll Gate to be erected or continued upon the ſaid Bridge, for any Horſes, Cattle, or Carriages of whatſoever Deſcription, employed or to

Mails.

be employed in conveying the Mails of Letters and Expreſſes, under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning therefrom, nor for the Horſes belonging to any Officers or

Soldiers.

Soldiers on their March or on Duty; nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or

Rectors, &c.

for the Uſe of His Majeſty's Forces; nor for any Rector, Vicar, or Curate, going to or returning from his own Pariſh Church or other Place

Pariſhioners attending Church.

of Divine Worſhip, or viſiting his ſick Pariſhioners; nor from any Perſon or Perſons going to or returning from his, her, or their Parochial Church, Chapel, or other uſual Place of Religious Worſhip on *Sundays* or on any other Day on which Divine Worſhip is or ſhall be ordered by Autho-

Funerals.

rity to be celebrated, or attending the Funeral of any Perſon or Perſons who ſhall die and be buried in the Pariſh or Borough of *Stratford-upon-*

Elections.

Avon; nor for any Horſes, Beaſts, Cattle, or Carriages, uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election of a Knight or Knights of the Shire to ſerve in Parliament

Vagrants.

for the County of *Warwick*; or of carrying or conveying Vagrants ſent

Hay, &c.

by legal Paſſes; or of carrying or conveying Hay, Straw, or Corn in the Straw, for the Uſe of the Owner and not for Sale or purchaſed;

Dung, &c.

or of carrying or conveying any Dung, Mould, Manure, or Compoſt (other than Lime) to be uſed only for manuring of Land, or going or

Horſes, &c. employed in Huſbandry.

returning empty in that employment; nor for any Horſes, Beaſts, or Cattle going to or returning from one Paſture to another, in the Occupation of the ſame Perſon, or employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow, or other Implement of Huſbandry, unleſs the Carriage bearing any ſuch

Plough,

Plough, Harrow, or other Implement of Husbandry, be also laden with any other Thing not hereby intended to be exempted from Payment of Toll; nor for any Waggon or Cart laden with Corn or Flour going to be delivered at any Place within the Borough of *Stratford-upon-Avon* aforesaid, or at any Place within a Quarter of a Mile from the Town Hall in the said Borough; nor for any Waggon or Cart which shall be going for, or to be loaded with, Coals, at or in the Borough of *Stratford-upon-Avon* aforesaid, or at any Place within a Quarter of a Mile from the said Town Hall; nor for any Horse, Beast, or Cattle, passing to or repassing from Water or Pasture; nor for any Horse, Beast, or other Cattle when going to or returning from being shoed or farried, nor for any Horse, Beast, or Cattle used or employed for the Purpose only of carrying or conveying Materials for making or repairing any Highway or Public Road within the Borough of *Stratford-upon-Avon*; nor for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements, according to the Regulations appointed for such Corps at the Time of claiming the Exemption; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

Horses, &c. going to or returning from being shoed.

Materials for repairing of Roads.

Volunteers, &c.

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

Owners Drivers of Waggons conveying Military Stores not subject to Penalties for Overweight.

XXXV. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any Distress taken for Tolls, it shall be lawful for the Person or Persons so distraining, to retain such Distress, or the Money arising from the Sale thereof, until the Quantity of the Tolls, and the Charges of such Distress, shall be ascertained by some Justice of the Peace for the County or Place where the same shall be made, who upon Application made to him for that Purpose, shall examine the Matter on Oath of the Parties, or of a Witness or Witnesses, and shall determine the Toll due, and assess the Charges of such Distress, and of the Collector's Attendance upon such Justice for that Purpose; all which Sums so determined and assessed, shall be paid to

Disputes concerning Tolls, &c. to be settled by a Justice.

the ſaid Collector before he ſhall be obliged to return the Goods or Chattels ſo diſtrained, or the ſaid Overplus or any Part thereof.

Collectors of Tolls deemed competent Witneſſes.

XXXVI. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in any wiſe relating to the Tolls by this Act authorized to be taken, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting under the Authority of the ſaid Commiſſioners, ſhall not be deemed incompetent to give Evidence therein, by reaſon of his or their being ſo appointed to collect the ſaid Tolls, or of his or their acting under the Authority of the ſaid Commiſſioners.

Commiſſioners may compound for Tolls.

XXXVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, if they ſhall think fit, to compound and agree by the Year or otherwiſe, with any Perſon or Perſons travelling over the ſaid Bridge, or through the ſaid Toll Gate, for the Paſſage of his, her, or their Carriages, Beaſts, Cattle, and Swine, for any Sum or Sums of Money, to be paid Quarterly or otherwiſe to the Treaſurer to the ſaid Commiſſioners, as the ſaid Commiſſioners ſhall from Time to Time think reaſonable for and in lieu of the Tolls payable for the ſame by virtue of this Act.

Agreements and Compoſitions to be entered in Books.

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

Recovery of Compoſition Money.

XXXIX. Provided always, and be it further enacted, That in caſe any Compoſition Money, agreed to be paid as aforeſaid, ſhall not be paid within Fifteen Days next after the ſame ſhall become payable, according to ſuch Compoſition or Agreement, that then it ſhall be lawful for any Juſtice of the Peace acting in and for the ſaid County of *Warwick*, or Borough of *Stratford-upon-Avon*, by Warrant under his Hand and Seal, to empower the Perſon or Perſons authorized by the ſaid Commiſſioners to receive ſuch Compoſition Money (Oath being firſt made that the ſame has been demanded and remains unpaid, which Oath ſuch Juſtice is hereby empowered and required to adminiſter), to levy ſuch Compoſition Money by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons having ſo compounded, returning the Overplus (if any) upon Demand, after deducting the Charges occaſioned by ſuch Diſtreſs and Sale.

Commiſſioners may reduce the Tolls.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, from Time to Time as often as they ſhall think fit, to reduce the Tolls hereby granted or made payable, or any Part thereof, for ſuch Time as they ſhall think fit, and afterwards, from Time to Time, to advance the Tolls ſo reduced to any Sum or Sums of Money not exceeding the ſeveral Tolls or Sums hereby granted or made payable: provided always, that no ſuch Reduction of the ſaid Tolls ſhall be made unleſs Notice of the Intention to make ſuch Reduction, and of the Time

Time and Place of Meeting for that Purpoſe ſhall have been affixed upon the Toll Houſe or Toll Gate then erected in purſuance of this Act, at leaſt One Calendar Month before ſuch Meeting; and unleſs Five-ſixths in Value of the Perſons who ſhall be entitled to the Money then due on the Credit of the ſaid Tolls ſhall conſent thereto.

Power to let the Tolls.

XLI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to let to farm the Tolls by this Act granted, or any Part thereof, for the higheſt Rent that can be gotten for the ſame, and by Deed in Writing under their Hands and Seals, to demiſe and let the ſame, with Liberty to collect and receive the ſame, for any Term not exceeding Three Years, at and under ſuch Rent, payable to the Treaſurer to the ſaid Commiſſioners by Monthly or ſhorter Payments, at ſuch Times and under ſuch Covenants as the ſaid Commiſſioners, or any Seven or more of them, ſhall think fit, taking ſuch Security from the Perſon or Perſons to whom the ſame ſhall be let, as they ſhall think adviſable; and ſuch Perſon or Perſons ſhall execute a Counterpart of every ſuch Leaſe or Demiſe, the ſaid Commiſſioners firſt cauſing Notice of the Time and Place of Meeting for letting ſuch Tolls to be affixed upon the ſaid Toll Houſe or Toll Gate, and alſo to be given in ſome One Newſpaper uſually circulated within the County of *Warwick*, at leaſt One Calendar Month before ſuch Meeting; provided always, that in caſe any Default ſhall be made of or in Payment of the ſaid Monthly or other Payments, or in caſe of Non-performance of any of the Covenants to be contained in ſuch Leaſe or Demiſe, it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, to declare the ſaid Leaſe or Demiſe void, and to enter into any Turnpike or Toll Houſe in the Poſſeſſion of the Leſſee under ſuch Leaſe or Demiſe, and to remove ſuch Leſſee, or the Collector appointed by him therefrom, in the ſame Manner as is herein directed for removing any other Collector, or his or their Family therefrom: And if any Leſſee of ſuch Tolls, or the Perſon or Perſons appointed by him to collect the ſame, ſhall take a Toll where none is due or payable, or a greater or leſs Toll from any Perſon than is authorized or directed by this Act, he or they ſhall forfeit, for every ſuch Offence, any Sum not exceeding Five Pounds, and ſhall alſo, if the ſaid Commiſſioners ſhall think fit, forfeit the Leaſe or Demiſe of ſuch Tolls; and every other Collector of ſuch Tolls who ſhall take a Toll where none is due or payable, or a greater or leſs Toll than is by this Act authorized or directed, ſhall, for every ſuch Offence, forfeit any Sum not exceeding Forty Shillings.

On Breach of Covenants Commiſſioners may vacate the Leaſe.

Penalty on Collectors taking falſe Tolls.

Collectors of Tolls being diſcharged and refuſing to deliver up Poſſeſſion of the Toll Houſe, &c. Juſtices may order ſuch Removal.

XLII. Provided always, and be it further enacted, That if any Collector or other Officer appointed to collect the ſaid Tolls, who ſhall be diſcharged from his Office by the ſaid Commiſſioners, ſhall refuſe to deliver up the Poſſeſſion of the Toll Houſe, Buildings, and Appurtenances, which he enjoyed in Right of his Appointment to that Office, within Two Days after Notice of his Diſcharge ſhall be given to him, or left at the ſaid Toll Houſe; or if the Wife or Family of any ſuch Collector or other Officer who ſhall die, ſhall refuſe to deliver up the Poſſeſſion of ſuch Toll Houſe, Buildings, and Appurtenances, within Four Days after the Death of ſuch Collector or other Officer, and a new Appointment made, then and in either of the ſaid Caſes it ſhall be lawful for any Juſtice of the Peace for the ſaid County of *Warwick*, or Borough of *Stratford-upon-Avon*, as the

Caſe may require, by Warrant under his Hand and Seal, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Toll Houſe and Premiſes in the Day-time, and to remove the Perſons who ſhall be found therein, together with their Goods, out of ſuch Toll Houſe, and to put the new-appointed Collector, or other Officer, into the Poſſeſſion thereof.

No Collector or Renter of Tolls to gain a Settlement.

XLIII. And be it further enacted, That no Collector or other Officer appointed by the ſaid Commiſſioners to collect the ſaid Tolls, or Perſons renting ſuch Tolls, and reſiding in the ſaid Toll Houſe, ſhall thereby gain a Settlement in the Pariſh where ſuch Toll Houſe ſhall be erected.

To prevent evaſion of Tolls.

XLIV. And be it further enacted, That if any Perſon or Perſons ſhall paſs with or drive any Carriage, or Horſe, or other Cattle, through the ſaid Toll Gate, without paying the Toll which is required by this Act, or with an Intent to avoid the Payment of any of the ſaid Tolls; or if any Perſon ſhall forge, counterfeit, or alter, or ſhall deliver or receive of any Perſon any Note or Ticket, with Intent to avoid the Payment of any of the ſaid Tolls, or ſhall do any other Act in order or with Intent to avoid or evade the Payment of any of the ſaid Tolls, or whereby the Payment of the ſaid Tolls ſhall be avoided or evaded, or ſhall aſſault, interrupt, or hinder any Collector, Surveyor, or other Officer appointed by the ſaid Commiſſioners, in the Execution of his Duty, every ſuch Perſon ſo offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings; or if any Perſon or Perſons (except the ſaid Commiſſioners, or others acting under the Authority and for the Purpoſes of this Act), ſhall uſe any Boat, Barge, or other Veſſel, in ferrying or carrying any Oxen, or other Cattle, Swine, Grain, Goods, Wares, Merchandizes, or other Things, acroſs the ſaid River *Avon*, within the Diſtance of a Mile from either Side of the ſaid Bridge, in order or with Intent that the Payment of any of the ſaid Tolls ſhall be avoided or evaded, the Owner or Owners of every ſuch Boat, Barge, or other Veſſel, or the Perſon or Perſons employed or uſing the ſame, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings.

Commiſſioners may borrow Money.

XLV. And, for the more ſpeedy and effectual raiſing of Money for the Purpoſes of this Act, be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered from Time to Time to borrow, and take up at Intereſt, any Sum or Sums of Money, upon the Credit of the ſaid Tolls by this Act granted and made payable, and by Writing under their Hands and Seals, to mortgage or aſſign over the ſaid Tolls, or any Part thereof, to the Perſon or Perſons who ſhall advance or lend ſuch Money on the Credit thereof, or his or their Truſtee or Truſtees, as a Security for the Money ſo to be borrowed, together with Intereſt for the ſame; and every ſuch Mortgage or Aſſignment may be according to the Form following; *videlicet*,

Form of Mortgage.

'BY virtue of an Act, paſſed in the Fifty-ſecond Year of the Reign of King *George* the Third, intituled, *An Act* [*ſet forth the Title of this Act*] We being Seven of the Commiſſioners, appointed by virtue of the ſaid Act, in Conſideration of the Sum of advanced

'advanced and lent to us by *A. B.* for the Purpoſes of the ſaid Act, do 'grant and aſſign unto the ſaid *A. B.* his Executors, Adminiſtrators, and 'Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, 'as the ſaid Sum of doth 'or ſhall bear to the whole Sum which is or ſhall be borrowed upon the 'Credit of the ſaid Tolls, to be had and holden from this Day until the 'ſaid Sum of with Intereſt 'at the Rate of *per Centum per Annum* for the ſame, to be 'paid Half-yearly, ſhall be fully repaid and ſatisfied. In Witneſs whereof 'we have hereunto ſet our Hands and Seals, this Day of 'in the Year of our Lord'

And every ſuch Mortgage or Aſſignment ſhall be good, valid, and effectual in the Law, provided, that the whole Sum to be charged on the Credit of the ſaid Tolls ſhall not at any Time exceed the Sum of Forty thouſand Pounds. Not to exceed 40,000l. at any one Time.

XLVI. And be it further enacted, That it ſhall be lawful for the Perſons entitled to any of the Securities for the Money borrowed, by Writing under their Hands indorſed thereon, to transfer the ſame reſpectively to any Perſon or Perſons according to the Form following; *videlicet:* Mode of transferring Securities.

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

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

XLVII. And, in order that no Preference may be given to any of the Perſons who may advance or lend any Money upon the Credit or by Way of Mortgage of the Tolls to ariſe under this Act; be it further enacted, That the ſaid Commiſſioners ſhall cauſe the Numbers of all ſuch Mortgages or Securities which for the Time being ſhall be in force, and Manner of paying off Mortgage Debts.

of

of which One or more ſhall be intended to be paid off, to be written upon diſtinct Pieces of Paper of an equal Size, and all ſuch Papers ſhall be rolled up in the ſame Manner as nearly as may be, and put into a Box or Wheel, and the Number or Numbers of the ſaid Securities ſhall be drawn ſeparately out of ſuch Box or Wheel, by the ſaid Clerk or Clerks for the Time being, in the Preſence of the ſaid Commiſſioners, or any Five or more of them, at ſome or one of their Meetings, and ſuch Securities ſhall be paid off and diſcharged according to the Rotation in which the Numbers ſhall be drawn at every ſuch Ballot, beginning with the Firſt and proceeding progreſſively to the Second, Third, Fourth, Fifth, and every other Number drawn, as far as the Money then in the Hands of the ſaid Commiſſioners will extend to pay; and after every ſuch Ballot the ſaid Commiſſioners ſhall cauſe Notice, ſigned by their Clerk or Clerks, to be given or ſent to, or left at the uſual Place of Abode of the Perſon or Perſons who ſhall be entitled to the Money to be paid off purſuant to ſuch Ballot, ſignifying to ſuch Perſon or Perſons, that at the End of Six Calendar Months, to be computed from the Date of ſuch Notice, the ſaid Commiſſioners intend to pay ſuch Sum or Sums of Money as ſhall be expreſſed in ſuch Notice, and the Intereſt due thereon at a Place therein alſo to be mentioned, and the Intereſt of the Principal Money ſo to be paid off ſhall, from and after the End of the ſaid Six Calendar Months, ceaſe and be no longer payable, unleſs ſuch Money ſhall be demanded purſuant to ſuch Notice and not paid; but the Principal Money, in reſpect whereof ſuch Notice ſhall be given, and alſo the Intereſt due at the Expiration of ſuch Notice, ſhall nevertheleſs be payable on Demand.

Corporation of Stratford-upon-Avon to pay an annual Sum to the Commiſſioners towards forming a Fund for future Repairs.

XLVIII. And whereas the ſaid Mayor, Aldermen, and Burgeſſes of the Borough of *Stratford-upon-Avon* aforeſaid, are willing, for the Purpoſe of providing a Fund as hereinafter mentioned, for the future Repairs of the ſaid Bridge, to pay annually out of the Funds and Revenues of the ſaid Corporation, the Sum of Thirty Pounds to the Commiſſioners for executing this Act, until the Sum of Five thouſand Pounds ſhall have accumulated for the Purpoſes hereinafter expreſſed; be it therefore further enacted, That it ſhall be lawful for the ſaid Commiſſioners, from Time to Time as often as the ſaid Annual Sum of Thirty Pounds ſhall remain unpaid to the ſaid Commiſſioners for the Space of Ten Days after the Twenty-fifth Day of *December* in each Year after the paſſing of this Act, until the ſaid Sum of Five thouſand Pounds ſhall have accumulated, to ſue for and recover ſuch Annual Sum of Thirty Pounds in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, in which no Eſſoign, Privilege, Protection, or Wager of Law, nor more than one Imparlance ſhall be allowed; and all ſuch Sum and Sums of Money, ſo to be received by the ſaid Commiſſioners, ſhall be inveſted in the Purchaſe of Three Pounds *per Centum* Conſolidated Bank Annuities, in the Manner hereinafter directed.

Application of the Tolls, &c. to be raiſed under this Act.

XLIX. And be it further enacted, That the Tolls which ſhall be collected and received under or by virtue of this Act, ſhall be applied and diſpoſed of in Manner following; (that is to ſay) in the firſt place, in paying and defraying the Expences of obtaining and paſſing this Act, and in the next place, in paying to the Mortgagees under this Act the Intereſt due upon their reſpective Securities; and when and as ſoon as the ſaid Tolls ſhall be more than ſufficient for the Purpoſes aforeſaid, then the Exceſs ſhall be inveſted from Time to Time, together with the ſaid Annual Sum of

Thirty Pounds to be paid by the ſaid Mayor, Aldermen, and Burgeſſes as aforeſaid, in the Name of the Commiſſioners for widening and repairing or rebuilding the Bridge over the River *Avon*, at or near *Stratford-upon-Avon*, in the County of *Warwick*, in the Purchaſe of Three Pounds *per Centum* Conſolidated Bank Annuities; and ſuch Fund ſhall be called 'The *Stratford-upon-Avon* Bridge Fund;' and the Income reſulting from the Stock to be purchaſed with ſuch Monies, ſhall be accumulated in the Nature of Compound Intereſt, until ſuch Exceſs and Annual Payments and Accumulations ſhall be ſufficient to yield, by the Intereſt or Dividends thereof, the Annual Sum of Two hundred and fifty Pounds, which ſaid laſt-mentioned Annual Sum ſhall be appropriated towards paying the Expences of widening and repairing or rebuilding the ſaid Bridge, and the Roads and Approaches thereto, and alſo in paying off and diſcharging any Sums of Money to be borrowed, or due and owing on the Credit of this Act, with the Intereſt thereof, in the Manner herein directed; and when and as ſoon as all the Monies which ſhall have been borrowed on the Credit of this Act ſhall be paid, with lawful Intereſt for the ſame, then and from thenceforth all the Tolls by this Act authorized to be collected and taken on the ſaid Bridge ſhall wholly ceaſe, ſubject nevertheleſs to be revived in Manner as hereinafter is mentioned.

How the Bridge ſhall be repaired in future.

L. And be it further enacted, That if by Flood or any other Accident the ſaid Bridge, or any Part thereof, ſhall receive ſuch and ſo much Damage that it ſhall appear from the Eſtimates of Two competent Perſons, to be appointed by the ſaid Commiſſioners, or any Five of them, to inſpect and examine the ſame, that the Intereſt and Dividends of the Stock or Funds ſtanding in the Names of the ſaid Commiſſioners in the Books of the Governor and Company of the Bank of *England*, ſhall not be adequate, within Two Years, to defray the Expences and Charges of repairing ſuch Damage, then it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, in order to the more ſpeedy and effectual repairing of ſuch Damage as aforeſaid, from Time to Time to raiſe any Sum that may be wanted for that Purpoſe upon the Security of the ſaid Stock or Fund, by Way of Mortgage of the ſaid Stock or Fund; and if the ſaid Commiſſioners, or any Five of them, ſhall not be able within Three Months after ſuch Eſtimate made as aforeſaid, to raiſe the Sum which may be wanted for the Repair of ſuch Damage, then it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, from Time to Time to expend and apply the whole or ſuch Part of the Principal Money of the ſaid Fund as may be wanted for that Purpoſe, to defray the Expences, Coſts, and Charges of ſuch Damage as aforeſaid; and if the whole of the Principal Money of the ſaid Fund ſhall not be found ſufficient to defray the Expences, Coſts, and Charges of repairing ſuch Damage as aforeſaid, then it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, upon giving Fourteen Days Notice thereof in the *London Gazette*, and in ſome Newſpaper uſually circulated in the County of *Warwick* (which Notice ſhall be ſigned by at leaſt Five of the Commiſſioners, and whoſe Signatures ſhall be atteſted and witneſſed by the Clerk to the ſaid Commiſſioners), at the Expiration of ſuch Fourteen Days, to revive the Tolls hereinbefore allowed and directed to be received upon the ſaid Bridge, or ſuch and ſo many of them as the ſaid Commiſſioners, or any Five of them, may deem ſufficient for that Purpoſe, from Time to Time as there ſhall be Occaſion; and it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them,

them, to borrow such Money as they may judge necessary or expedient for the Repair of such Damage as aforesaid, as often as there shall be Occasion, on the Security of such revived Tolls or any Part thereof.

If Tolls be revived, the annual Payment by the Corporation shall again be made during the Continuance of the Tolls, until the Sinking Fund yields an Income of 250l. Annually.

LI. And be it further enacted, That when and as often as the Tolls by this Act authorized to be taken, shall be revived by the said Commissioners, an Annual Payment of Thirty Pounds shall be issuing and payable and recoverable in Manner before-mentioned, out of the Funds and Revenues of the said Corporation of *Stratford-upon-Avon*, to the Commissioners for executing this Act; and such Annual Payment shall commence on the Day such revived Tolls shall become payable, and be paid and continue to be payable out of the Funds and Revenues of the said Corporation, and be invested in the Public Funds in the Manner the said Annual Sum of Thirty Pounds is hereinbefore directed to be invested, until the Principal Money of the said *Stratford-upon-Avon* Bridge Fund, shall yield an Income or Interest of Two hundred and fifty Pounds Annually, as hereinafter is mentioned.

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

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

Power of Commissioners over the revived Tolls.

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

Commissioners annually to make out

LIV. And be it further enacted, That the said Commissioners shall, between the Twenty-fourth Day of *June* and the Twenty-ninth Day of *September*

September in every Year, order and direct a fair, just, and distinct Account to be made and written out, of all Monies received and paid by virtue or in pursuance of this Act, and how, and to whom, and for what Purposes the same shall have been laid out and expended; and a Copy or Duplicate of such Account, signed by the said Commissioners, shall be deposited with the Clerk to the said Commissioners, who shall permit any Person or Persons, being a Creditor of the said Tolls, or any Person or Persons on his, her, or their Behalf, to inspect the same at seasonable Times, paying the Clerk to the said Commissioners the Sum of One Shilling for such Inspection, and shall upon Demand forthwith give Copies of the same or any Part thereof, to any Person who shall pay at and after the Rate of Three-pence for every Seventy-two Words thereof, and so in Proportion for any less Number of Words.

an Account to be open for Inspection.

LV. And be it further enacted, That if any Person or Persons shall at any Time obstruct, hinder, or molest any Surveyor or other Officer, or any Person or Persons whomsoever, who shall or may be employed by virtue of this Act, in the Performance of his or their Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings.

Penalty for obstructing Surveyor or other Officers.

LVI. And be it further enacted, That if any Person or Persons shall break, throw down, injure, or destroy, lash, tie, or make fast any Cord, Rope, or Cable to the Ballustrades, Cornice, or any other Part of the said Bridge, for the Purpose of mooring or staying any Trow, Barge, Boat, or other Vessel, except to such Rings as are or shall be fixed to the said Bridge by the Direction of the said Commissioners for that Purpose; or shall wilfully or negligently drive or wheel any Carriage or Barrow, or drive or ride any Horse upon the Foot Pavement of the said Bridge, or on the Foot Pavement of any of the Avenues leading to the same respectively, every Person offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, or if any Person shall haul or draw, or cause to be hauled or drawn upon any Part of the said Bridge, or the Avenues or Approaches thereto, any Tree or Piece of Timber, or any Stone, otherwise than upon a Wheel Carriage, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage to drag upon any Part of such Bridge, or the Avenues or Approaches thereto, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

To prevent damaging the Bridge by towing Boats, &c.

Penalty for drawing Timber or Stone on the Bridge, otherwise than on Wheel Carriages.

LVII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously burn, blow up, pull down, or destroy the said Bridge, or any temporary Bridge to be erected by virtue of this Act, or the Centres thereof, or any of them, or any Part thereof, or shall wilfully or maliciously attempt so to do, such Offender or Offenders being lawfully convicted thereof, shall be adjudged guilty of Felony, and be transported for Seven Years, in like Manner as Felons may be transported.

Punishing of Persons damaging the Bridge, &c.

LVIII. And be it further enacted, That if any Person or Persons shall break down, destroy, or damage the said Bridge, or any temporary Bridge to be erected by virtue of this Act, or the said Toll Gate so to be erected,

Or the Toll House or Toll Gate.

erected, or any Poſt, Pales, Rails, Chains, Bars, Fences, or other Parts thereof, or adjoining thereto, or the ſaid Toll Houſe, every Perſon ſo offending, and being thereof convicted by the Oath of One or more credible Witneſs or Witneſſes, or on his own Confeſſion, before any Juſtice of the Peace acting for the ſaid County of *Warwick*, or Borough of *Stratford-upon-Avon*, ſhall pay the whole Damages and Expences occaſioned thereby, and ſhall alſo for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds.

For puniſhing Perſons guilty of Perjury.

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

For preventing Obſtructions on the Bridge.

LX. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or negligently leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Huſbandry (without ſome reaſonable Cauſe, to be allowed by the Juſtice before whom the Perſon ſo offending ſhall be ſummoned or conveyed in order to his Conviction) in, upon, or on the Sides of the ſaid Bridge, or the Roads or Approaches thereto, either with or without any Horſe or Beaſt harneſſed or yoked thereto, or ſhall lay any Timber or Wood, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbiſh, or other Annoyance whatſoever, upon any Part of the ſaid Bridge, or the Roads or Approaches thereto, or on the Side or Sides thereof, to the Prejudice thereof or Annoyance of any Perſon travelling thereon, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

For ſecuring tranſient Offenders.

LXI. And whereas Perſons guilty of Offences againſt this Act may be tranſient Perſons unknown to the Collectors, Surveyors, or other Perſons under this Act; be it therefore further enacted, That it ſhall be lawful for the ſaid Collectors, Surveyors, or other Officers reſpectively, to ſeize and detain any ſuch unknown Perſon or Perſons guilty of any Offence againſt this Act, and to convey him, her, or them, before any One or more of the Juſtice or Juſtices of the Peace for the ſaid County of *Warwick*, or Borough of *Stratford-upon-Avon*, as the Caſe may be, without any other Warrant or Authority than this Act for ſo doing.

Recovery of Penalties.

LXII. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed, and all Damages, Coſts, and Charges, which may be demanded or become due by virtue of this Act (the Manner of recovering whereof is not otherwiſe hereby directed), ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, or Perſon liable or ordered to pay the ſame reſpectively, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County or Place wherein the Offender or Offenders ſhall be or reſide; which Warrant ſuch Juſtice is hereby empowered to grant upon the Confeſſion of the Party, or upon the Information of any credible Witneſs upon Oath,

Oath, or upon Order made by such Justice for Payment of the said Damages, Costs, or Charges, and Proof of Non-payment thereof; and such Penalties and Forfeitures, Damages, Costs, and Charges, when recovered, shall (if not directed to be otherwise applied by this Act) be paid to the Treasurer to the said Commissioners, or such other Person as the said Commissioners shall appoint, and be applied for the Purposes of this Act, and in case sufficient Distress shall not be found, or such Penalties or Forfeitures, Damages, Costs, and Charges, shall not be forthwith paid, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Gaol, or House of Correction, of the County or Place wherein such Offender or Offenders shall be or reside, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unless such Penalties or Forfeitures, Damages, Costs, and Charges, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Distress not unlawful for Want of Form.

LXIII. And be it further enacted, That when any Distress shall be made for Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Warrant of Distress, or in any Proceedings relating thereto, nor shall the Party or Parties be deemed a Trespasser, *ab initio*, on account of any Irregularity which shall afterwards be done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage only, in an Action on the Case.

For rewarding Informers.

LXIV. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, if they shall see Cause, to pay and apply such Part of the said Penalties and Forfeitures hereby made payable, or any of them, as they shall think proper, not exceeding One Moiety thereof respectively, to and for the Use of the Informer or Informers of any Offence or Offences against this Act, any Thing herein contained to the contrary notwithstanding.

Form of Conviction.

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

Borough of Stratford-upon-Avon in the County of Warwick, [or County of as the Case may be.]

'BE it remembered, That on the Day of in the Year of our Lord One thousand eight hundred and *A. B.* is convicted before me *C. D.* one of His Majesty's Justices of the Peace for the Borough [*or*, County] of [*specifying the Offence, and the Time and Place when and where the same was committed, as the Case may be.*] Given under my Hand and Seal, the Day and Year first above mentioned.'

Limitation of Actions.

LXVI. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon, for any Thing to be done in purſuance of this Act, until Thirty Days Notice thereof ſhall be given to the Clerk to the ſaid Commiſſioners, or after ſufficient Satisfaction or Tender thereof hath been made to the Party aggrieved, or after Three Calendar Months next after the Fact committed, and every ſuch Action or Suit ſhall be brought and tried in the County of *Warwick*, and not elſewhere, and the Defendant in every ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to be ſo done, or if ſuch Action ſhall be brought before Thirty Days Notice thereof ſhall be given as aforeſaid, or after ſufficient Satisfaction made or tendered as aforeſaid, or after the Time hereinbefore limited for bringing the ſame, or ſhall be brought in any other County than as aforeſaid, then the Jury ſhall find for the Defendant, and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant ſhall appear, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant hath for the Coſts of Suit in other Caſes of Law.

Plaintiff ſhall not recover after Tender of ſufficient Amends.

LXVII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action for any Irregularity, Treſpaſs or wrongful Proceeding, if any ſufficient Tender of Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed or cauſed to be committed any ſuch Irregularity, Treſpaſs, or wrongful Proceeding, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall be lawful for the Defendant or Defendants in any 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 or they ſhall ſee fit, whereupon ſuch Proceedings or Order and Judgment ſhall be had, made, or given by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXVIII. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already preſcribed, ſuch Perſons may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be holden for the ſaid County of *Warwick*, within Four Calendar Months next after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given Ten Days Notice at the leaſt in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Clerks, Treaſurer or Treaſurers to the ſaid Commiſſioners, and within Four Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order of and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices at ſuch Seſſions upon due Proof of ſuch Notice having been given as aforeſaid, and of ſuch Recognizance having been entered into, ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they

the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive, to all Intents and Purpoſes, and the ſaid Juſtices at ſuch Seſſions may alſo, by their Order or Warrant, levy ſuch Coſts ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to obey the ſame, and for Want of ſufficient Diſtreſs, commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction, of or for the ſame County wherein ſuch Quarter Seſſions ſhall be held (as the Caſe may be), for any Time not exceeding Three Calendar Months, or until Payment of ſuch Coſts.

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

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