ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap 143.

An Act for taking down and rebuilding the Whole or Part of a certain Bridge called *Wallingford Bridge*, in the Borough of *Wallingford*, in the County of *Berks*; and for opening, widening, and improving the Avenues or Approaches to the said Bridge.

[3d *June* 1809.]

WHEREAS the Bridge across the River *Thames*, within the Borough of *Wallingford*, in the County of *Berks*, called *Wallingford Bridge*, is very ancient and greatly decayed, and from the Violence of the late Floods, various Parts of it have been broken down, and other Parts so much damaged, that the same is become impassable: And whereas the Mayor, Burgesses, and Commonalty of the Borough of *Wallingford* aforesaid (being the Corporation of the said Borough) are entitled to and do receive Tolls for certain Cattle and Carriages passing over, and Barges passing under the said Bridge, and also divers yearly Rents payable out of or for several Houses and Tenements within the said Borough and in the Parish of *Benſington* otherwise *Benson* in the County of *Oxford*, for the Purpose of supporting the said Bridge: And whereas various Sums of Money arising from the said Income have from Time to Time been expended in the Support of the said Bridge, and upon the Balance of Accounts in respect thereof made up to the Twenty-

fourth Day of *April* One thouſand eight hundred and nine, there remains due from the Corporation, as near as can be aſcertained, the Sum of Three hundred and fifty-one Pounds Four Shillings and Five Pence Half-penny: And whereas it will be greatly for the Benefit and Advantage of the Inhabitants of the ſaid Borough, and the Public, that the Communication between the Counties of *Berks* and *Oxford* ſhould be reſtored as ſpeedily as may be, by the taking down and rebuilding ſo much of the ſaid Bridge as ſhall be neceſſary, and effectually repairing the other Parts thereof, and that the Avenues or Approaches thereto ſhould be widened and rendered more commodious: But as the Fund applicable to thoſe Purpoſes is very inadequate, the ſame cannot be effected without the Aid and Authority of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled and by the Authority of the ſame, That the Mayor, High Steward, Recorder, Aldermen, Town Clerk, and Eighteen Aſſiſtants of the ſaid Borough of *Wallingford* for the Time being, *Richard Arding*, *John Buſhnell*, *Robert Baker* of Streatley, *James Blackſtone*, *Richard Benyon*, the Rector of the Pariſh of *Brightwell* in the County of *Berks* for the Time being, *John Bennett*, *Henry Calveley Cotton*, *John Dodd* of Ipſden, the Rector of the Pariſh of *Dudcote* for the Time being, *Charles Dundas*, *John Fane*, *Henry Fludyer*, *John Flamank*, *Samuel Gardiner*, *Joſeph Hopkins*, *William Lewis Hughes*, *William Hazell*, *Francis Juſtice*, *George Knapp*, *Edward Loveden Loveden*, *Iſaac George Manley*, the Rector of *Mongewell* for the Time being, *Charles Morrell*, the Honourable *Francis Needham*, *Thomas Newton*, *Henry Newbery*, *Robert Peers*, *Charles Peers*, *Philip Lybbe Powys*, *John Reade*, *William Lowndes Stone*, *John Simeon*, *William Toovey*, *Thomas Toovey* of Nettlebed, *Thomas Toovey* of Newnham Murren, *George Vanſittart*, *George White*, and their Succeſſors, to be elected in Manner hereinafter directed, ſhall and they are hereby declared to be Truſtees for carrying this Act into Execution.

No Act of the Truſtees valid unleſs at a Meeting, &c.

II. And be it further enacted, That no Act of the ſaid Truſtees ſhall be or be deemed to be good, valid, or effectual, unleſs the ſame be done at ſome Meeting to be holden in purſuance of this Act (except in the Caſes herein-after mentioned); and that all the Powers and Authorities by this Act granted to the ſaid Truſtees ſhall and may be exerciſed, from Time to Time, by the major Part of them who ſhall be preſent at any Meeting to be holden in purſuance of this Act, the Number of Truſtees preſent at every ſuch Meeting not being leſs than Five, and all the Orders and Proceedings of the major Part of the Truſtees preſent at ſuch their ſeveral Meetings ſhall have the ſame Force and Effect as if the ſame were made or done by all ſuch Truſtees for the Time being, ſave and except as herein-after mentioned; and that at every Meeting of the ſaid Truſtees a Chairman ſhall and may be appointed; and when and as often as it ſhall happen that there ſhall be an Equality of Votes at any ſuch Meeting upon any Queſtion (including the Vote of the Chairman), then and in every ſuch Caſe it ſhall be lawful for ſuch Chairman to give the deciſive or caſting Vote.

Power to appoint new Truſtees.

III. And be it further enacted, That upon the Death, Refuſal, or Diſability of any of the Truſtees herein named, or of their Succeſſors

to be elected in Manner herein-mentioned (save and except such several Persons as are herein appointed by reason or by virtue of their respective Offices) to act in the Execution of this Act, then and in every such Case it shall be lawful for the surviving or remaining Trustees, from Time to Time, to elect and appoint one other Person to be a Trustee in the room of each Trustee so dying, refusing or being incapable of acting; and Notice of the Time and Place of the Meeting for every such Election shall be signed by the Clerk to the said Trustees for the Time being, and shall be affixed on the several Tollgates that shall be erected by virtue of this Act, and upon the outer Doors of the several Parish Churches within the Borough of *Wallingford* aforesaid, Ten Days at least before such Meeting; and every Person so elected a Trustee as aforesaid shall be and he is hereby empowered to act in the Execution of this Act in as full and ample a Manner, to all Intents and Purposes whatsoever, as the Trustee in whose Room or Stead he shall have been so elected.

Qualification of Trustees.

IV. Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (save and except the Mayor and Aldermen of the said Borough of *Wallingford* for the Time being), unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments in the Counties of *Berks* and *Oxford*, or one of them, of the clear yearly Value of Fifty Pounds, or be possessed of or entitled to a Personal Estate of the Value of Two thousand Pounds, after Payment of his Debts; and if any Person, not being so qualified, shall act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons 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 by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed; and every such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual, as if such Person or Persons had been duly qualified to act as a Trustee according to the Directions of this Act.

Trustees to take an Oath.

V. Provided also, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (save and except in appointing the First Meeting of the said Trustees to be holden in pursuance of this Act, in case the same shall not be holden on the Day herein appointed, and in administering the Oath herein mentioned to the other Trustees), until he shall have taken and subscribed the Oath or Affirmation following, at a Meeting to be holden by the said Trustees by virtue of this Act, which Oath or Affirmation any one or more of the said Trustees is and are hereby empowered to administer:

Oath,

'I *A. B.* do ſwear, [*or*, being one of the People called *Quakers* do ſolemnly affirm], That I will execute the Duty of a Truſtee repoſed in me by virtue of an Act made in the Forty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled, [*repeat the Title of this Act*] according to the beſt of my Skill and Judgement, without Favour or Affection, Prejudice or Malice, to any Perſon or Perſons whomſoever. So help me GOD.'

Victuallers, &c. incapable of acting.

VI. Provided alſo, and be it enacted, That no Perſon who ſhall keep a Victuallinghouſe, Alehouſe, or other Houſe of public Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Ale, or Spirituous or other ſtrong Liquors by Retail, ſhall be capable of acting as a Truſtee, or of taking, holding, or enjoying any Place or Places of Truſt or Profit under the ſaid Truſtees, or of collecting the Tolls hereby granted and made payable, during ſuch Time as he ſhall keep ſuch Victuallinghouſe, Alehouſe, or other Houſe of public Entertainment, or ſhall ſell any Wine, Cyder, Beer, Ale, or ſpirituous or other ſtrong Liquors by Retail; but no ſuch Perſon ſhall be precluded from farming the Tolls by this Act granted, provided he ſhall employ a Perſon or Perſons to collect ſuch Tolls who ſhall not be under ſuch Incapacity.

Truſtees may act as Juſtices, except where perſonally intereſted.

VII. And be it further enacted, That ſuch of the ſaid Truſtees as are or ſhall be Juſtices of the Peace, ſhall and may, in their reſpective Juriſdictions, and they are hereby empowered to act as Juſtices of the Peace in the Execution of this Act notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted.

First Meeting of Truſtees.

VIII. And be it further enacted, That the ſaid Truſtees ſhall meet at the Town Hall in *Wallingford* aforeſaid, on the Second *Monday* next after the paſſing of this Act, between the Hours of Ten and Twelve of the Clock in the Forenoon, and proceed to carry this Act into Execution; and in caſe none of the ſaid Truſtees ſhall attend ſuch Meeting, then ſuch Meeting ſhall be and be deemed to be adjourned to the next Day (*Sunday*, *Good Friday*, *Chriſtmas Day*, or any Day on which Divine Service is ordered by Authority to be celebrated only excepted, and then to the next Day), and ſo *toties quoties*, until a ſufficient Number of Truſtees ſhall attend at ſuch Meeting to act in the Execution of this Act, or until a Truſtee or Truſtees ſhall attend ſo as to adjourn ſuch Meeting; and the ſaid Truſtees ſhall and may at ſuch Meeting, and at their ſeveral Meetings to be holden for the Purpoſe of carrying this Act into Execution, from Time to Time adjourn themſelves, and appoint their next Meeting to be holden there, or at any other Place within the ſaid Borough as to the ſaid Truſtees ſhall ſeem convenient, and at ſuch Time as to them ſhall ſeem proper; and if it ſhall ſo happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act in the Execution of this Act, the Truſtee or Truſtees then preſent, or the Clerk to the ſaid Truſtees, ſhall from Time to Time, as often as the Caſe ſhall happen, adjourn ſuch Meeting to ſome other Day within Fifteen Days then following, to be holden at the ſame Place, and the ſaid Clerk ſhall cauſe Notice thereof to be affixed on all and every the Tollgates that ſhall be erected by virtue of this Act at leaſt Five Days before the Day to which ſuch Meeting ſhall be ſo adjourned; and the ſaid Truſtees ſhall at their ſeveral Meetings defray their own Expences;

Expences; and no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act during ſuch Time as he ſhall hold any Place of Profit under this Act.

Meetings on Emergencies.

IX. And be it further enacted, That if after any Adjournment of any Meeting as aforeſaid, it ſhall at any Time or Times be thought neceſſary that a Meeting of the Truſtees ſhould be holden on an earlier Day than the Day to which ſuch Meeting ſhall have been adjourned, then and in every ſuch Caſe the Clerk to the ſaid Truſtees (an Order in Writing ſigned by Five or more of the ſaid Truſtees, mentioning the Time, Place, and Purpoſe of ſuch earlier Meeting being given to him, or left at his laſt or uſual Place of Abode) ſhall forthwith give Notice of ſuch earlier Day in Manner before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Time not being ſooner than Five Days after ſuch Notice), and all the Proceedings of the ſaid Truſtees at ſuch earlier Meeting ſhall be as good and valid as they would have been in caſe ſuch Truſtees had met in purſuance of an Adjournment.

No Order to be revoked unleſs at a Meeting for that Purpoſe, nor unleſs Nine Truſtees ſhall be preſent, and a Majority of Three concur.

X. And be it further enacted, That no Order, Appointment, or Proceeding, made at any Meeting of the Truſtees holden in purſuance of this Act, ſhall be revoked or altered at any ſubſequent Meeting, unleſs at a Meeting to be holden for that expreſs Purpoſe, nor unleſs Notice, ſpecifying the Revocation or Alteration intended to be made, ſigned, by the Clerk to the ſaid Truſtees, be affixed on the ſeveral Tollgates that ſhall be erected by virtue of this Act, at leaſt Seven Days before ſuch ſubſequent Meeting, nor unleſs there ſhall be Nine Truſtees preſent at ſuch ſubſequent Meeting, and a Majority of Three Truſtees ſhall decide in favour of ſuch Revocation or Alteration, and a greater Number of Truſtees ſhall be preſent at ſuch ſubſequent Meeting than were preſent at the Meeting when ſuch Order, Appointment, or Proceeding was had or made.

Proceedings to be entered.

XI. And be it further enacted, That the ſaid Truſtees ſhall cauſe to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all ſuch Truſtees as ſhall be preſent at their ſeveral Meetings, and all Entries in ſuch Book or Books, being ſigned by the Chairman, ſhall be deemed Originals, and ſhall be allowed to be read as Evidence in all Cauſes, Suits, and Actions touching or concerning any Thing done in purſuance of this Act, and ſuch Book or Books ſhall at all the Meetings of the ſaid Truſtees be open and liable to the Inſpection of all and every of the ſaid Truſtees, and of the Creditors on the Tolls hereby granted and made payable, and any of the ſaid Truſtees and Creditors ſhall and may have and take Copies thereof, paying for every Copy not exceeding One Hundred Words the Sum of Sixpence, and ſo in Proportion for any greater or leſſer Number of Words.

Truſtees to appoint Officers, &c.

XII. And be it further enacted, That the ſaid Truſtees may and they are hereby empowered by Writing under their Hands to appoint a Treaſurer or Treaſurers, Clerk or Clerks, and a Collector or Collectors of the Tolls by this Act granted, and (if neceſſary) a Surveyor or Surveyors of the Bridges and other Works to be erected by virtue of this Act, and alſo ſuch

such other Officers and Persons for the Execution of this Act as they the said Trustees shall think proper, and from Time to Time to remove such Officers and Persons respectively as they the said Trustees shall see Occasion; and out of the Monies to be received by virtue of this Act to allow and pay such Salaries, Wages, and Allowances to the said Officers and other Persons as the said Trustees shall think reasonable; and the said Trustees shall and they are hereby required to take sufficient Security from every such Treasurer and other Officer for the due Execution of his Office as they shall think proper, and all such Officers so to be appointed shall under their Hands, at such Time or Times and in such Manner as the said Trustees shall direct, deliver to the Trustees or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received by virtue and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; and every such Treasurer shall on the First *Monday* in the Month of *June* yearly, or at the First Meeting of the said Trustees then next following (although not thereunto required by the said Trustees) lay his Accounts before the said Trustees, in order that the same may be audited, passed, and allowed by them, if approved; and all the said Officers, so accounting as aforesaid, shall upon Oath (which Oath any One of the said Trustees is hereby empowered to administer) verify their said Accounts, and if any such Officer shall refuse or neglect to make and render or to verify upon Oath any such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Ten Days after being thereunto required by the said Trustees, by Notice in Writing given to or left at the last or usual Place of Abode of the said Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in every such Case, upon Complaint made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the said Borough, or for the County or Place wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Officer so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary way; and if upon the Confession of the Party, or by the Testimony of any one or more credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies which shall have been collected or raised by virtue of this Act shall remain due from such Officer, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Money

and

and the Charges of diſtraining and ſelling the ſaid Goods and Chattels, or if it ſhall appear to ſuch Juſtice that ſuch Officer ſhall have refuſed or wilfully neglected to render and give ſuch 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 Cdſtody or Power of ſuch Officer, and he ſhall have refuſed or wilfully neglected to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then and in each and every ſuch Caſe ſuch Juſtice ſhall commit ſuch Offender to the Common Gaol or Houſe of Correction for the ſaid Borough or the County or Place where ſuch Offender ſhall be or reſide, there to remain, without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees for ſuch Money, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees are hereby empowered to make and receive), and until he ſhall deliver up ſuch Books, Papers, and Writings, or give Satisfaction in reſpect thereof to the ſaid Truſtees; but no ſuch Officer ſhall be detained or kept in ſuch Common Gaol or Houſe of Correction, for Want of ſuch Diſtreſs, by virtue of this Act, for any longer Space of Time than Six Calendar Months.

On Death of a Gatekeeper, Truſtees may nominate another until next Meeting.

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

If diſcharged Gatekeeper refuſes to deliver up Toll Houſes, &c.

Power to take down any Part of the preſent Bridge, and to rebuild the ſame, &c.

XIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby fully authorized and empowered, by and out of the Monies to be raiſed by virtue of this Act, to cauſe all or ſo much of the ſaid Bridge as they ſhall think neceſſary

neceſſary to be taken down, and well and ſubſtantially rebuilt with Stone or other Materials, according to ſuch Deſign and in ſuch Manner as to them ſhall ſeem right and proper, and to alter, widen, or enlarge the Roads, Avenues, and Approaches to the ſaid Bridge at each End thereof, and alſo to complete the temporary Bridge now erecting by the Corporation of *Wallingford* aforeſaid acroſs the ſaid River, and to ſet up a Ferry at ſome convenient Place or Places until ſuch temporary Bridge ſhall be completed, and to continue the ſaid temporary Bridge or Ferry until the preſent Bridge ſhall be rendered ſafe for the Paſſage of Travellers, Cattle, and Carriages, and to make proper Roads, Ways, Avenues, and Approaches to the ſaid temporary Bridge at each End thereof, and alſo to the ſaid Ferry or Ferries, and to erect and ſet up One or more Tollhouſe or Tollhouſes, with a Gate or Gates and other Conveniencies upon or near the ſaid preſent Bridge or temporary Bridge, and to ſupport, maintain, and keep the ſaid Bridges, Tollhouſes, Gates, Conveniencies, Roads, Ways, Avenues, and Approaches in good and ſufficient Repair; and for the ſeveral Purpoſes aforeſaid it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and empowered, upon giving Six Calendar Months previous Notice to the Occupier, to cauſe the Dwellinghouſe at the Weſt End of the ſaid Bridge now occupied by *Abiel Whichello* (being Part of the Eſtate veſted in the Corporation of the Borough of *Wallingford* aforeſaid for the Support of the ſaid Bridge) to be pulled down, and the Materials thereof applied or diſpoſed of for the Benefit of the ſaid Bridge, and to dig and make proper Foundations in the ſaid River, and on the Lands and Grounds lying and being on each Side thereof, for the Piers and Abutments of the ſaid Bridge, and to remove, or cauſe to be removed, any Shoals or other Obſtruction in the ſaid River within One Hundred Yards of the ſaid Bridge, and to take away all Beds of Gravel, Sand, Mud, or other Impediments within the like Diſtance, and to dig and cut the Banks of the ſaid River in ſuch Manner as ſhall be neceſſary and proper for the better rebuilding all or any Part of the ſaid Bridge, and preſerving the ſame and the Navigation of the ſaid River near and under the ſaid Bridge free and open, and from Time to Time to do or cauſe to be done all other Acts, Matters, and Things, as the ſaid Truſtees or any Five or more of them ſhall think neceſſary, uſeful, and convenient, for erecting, building, making, repairing, ſupporting, and maintaining the ſaid Bridge or temporary Bridge, Tollhouſes and other Works and Conveniencies, or the Approaches thereto, and to take and purchaſe any Houſes, Tenements, Lands, or Grounds as ſhall be neceſſary for ſuch Purpoſes, and from Time to Time to bring, place, lay, work, and uſe any Timber, Stone, Brick, Lime, or other Materials for building and erecting or repairing the ſaid Bridge or temporary Bridge, Ways, Avenues and Approaches, or for executing any other of the Purpoſes of this Act, in, upon, through, and over any Lands or Grounds within One Hundred and Fifty Yards of the ſaid Bridge or temporary Bridge, doing as little Damage as may be, and making Satisfaction for ſuch Damage to the Owners and Occupiers of ſuch Lands or Grounds; and that in caſe of Diſpute about the Quantum of ſuch Damage and Satisfaction, the ſame ſhall be ſettled by any Two or more Juſtices of the Peace for the County wherein the Damage ſhall be done, and ſuch Juſtices are hereby authorized and empowered to hear, ſettle, and finally determine the ſame accordingly.

XV. And

XV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby empowered to demand and take, or cause to be demanded and taken, at any Gate or Gates to be erected by virtue of this Act, the Tolls following, before any Carriage, Horse, or other Beast or Cattle whatsoever shall be permitted to pass through the same; (that is to say, Tolls to be taken.

For every Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, Litter, Waggon or other Carriage whatsoever, with Four Wheels, the Sum of Eight-pence, and with less than Four Wheels, the Sum of Four-pence; and for every Horse or other Beast, drawing the same, the Sum of Two-pence: Tolls.

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

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

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Scorce; and so in Proportion for any greater or lessNumber:

And also to take the like Tolls before any Carriage, Horse or other Beast or Cattle shall be permitted to pass over the said Ferry, until the said Bridge or temporary Bridge shall become passable.

And likewise to demand and take, or cause to be demanded and taken, the Sum of One Shilling, in the Name of a Toll or Pontage, for every Barge or other Vessel of the like Description, which shall pass under the said Bridge.

XVI. And be it further enacted, That the said Tolls shall be and they are hereby vested in the said Trustees, and a Table thereof shall be put up and continued at the Turnpike or Tollgate erected on or near the said Bridge or the Avenues leading thereto, and it shall be lawful for the several Persons who shall by virtue of this Act be appointed Collectors of the said Tolls, to demand, collect, and receive the said Tolls; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall after Demand made thereof by any Collector or Collectors to be appointed as aforesaid, neglect, or refuse to pay the same, or any Part thereof, it shall be lawful for such Collector or Collectors 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, or cause to be seized and distrained, any Horse or Horses or other Cattle, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, or their Loading, or any Carriage with its Loading, or any Part of the Loading of any Barge or other Vessel upon which such Toll is by this Act imposed, or any other the Goods and Chattels of the Person or Persons chargeable with the said Tolls, or any of them, and if such Tolls, or any Part or Parts thereof, and the reasonable Charges of such Seizure and Distress, and of obtaining and keeping the same, shall not be paid within Five Days next after such Seizure and Distress made, the Person or Persons so seizing or distraining shall and may sell, or cause to be sold, the Horse or Horses, Carriages, Goods, Chattels, or Things so seized and distrained, or any Part thereof, returning the Overplus (if any be) and what shall remain unsold, upon Demand, to the Owner or Owners thereof, after such Tolls and the reasonable Costs and Charges for dis- Tolls vested in the Trustees.

training, keeping, and selling the same shall be deducted and paid; and if any Person shall assault, interrupt, or obstruct any Person employed in the Collection of the said Tolls, every Person offending in any of the Cases aforesaid shall, for every such Offence, forfeit any Sum not exceeding Five Pounds, whereof One Moiety shall be paid to the Informer, and the other Moiety to the Treasurer to the said Trustees for the Purposes of this Act.

Disputes respecting Tolls to be settled by a Justice.

XVII. And be it further enacted, That if any Dispute shall arise touching the Amount of Tolls due, or the Costs and Charges of distraining, keeping, or selling any Distress, it shall be lawful for the Collector or Person so distraining to detain the Distress, or the Money arising from the Sale thereof, until the Amount of the Tolls, or the Charges of distraining, keeping, and selling the Distress (as the Case may be) shall be ascertained by some Justice of the Peace for the said Borough, who upon Application made to him for that Purpose shall examine the said Matter upon the Oath or Oaths of the Party or Parties or other Witness or Witnesses, and shall determine the Amount of Tolls due, and shall also assess the Charges of such Distress and Sale, and all other reasonable Costs; all which Sum or Sums so determined or assessed shall be paid to the Collector before he shall be obliged to return the said Distress, or the Overplus after the Sale thereof, or any Part thereof.

Tolls to be free from Taxes.

XVIII. And be it further enacted, That the Tolls hereby imposed or authorized to be taken, and also any Tollhouse or Tollhouses to be erected as aforesaid, shall be freed, exempted, acquitted, exonerated, and discharged of and from the Payment of all Parochial Taxes, Rates, Assessments, and Impositions whatsoever.

Bridge, Turnpikes, &c. vested in the Trustees.

XIX. And be it further enacted, That in the meantime and until all the Principal Money to be borrowed and secured upon the Credit of this Act, and the Interest thereof, shall be paid and satisfied, the Right and Property of the said Bridge and of any temporary Bridge, Turnpikes, Tollhouses and other Buildings to be erected by virtue of this, Act, with the Ground, Fences, and Appurtenances thereto respectively belonging, and of all Gates, Posts, Rails, Watch Boxes, Tables of Tolls, Lamps, Lamp Irons and Posts to be erected, and also of all Materials, Tools, and Implements which are or shall be provided for making or repairing the said Bridges, Ways, Avenues or Approaches, or any of them, by virtue of this Act, shall be vested in the said Trustees, and they are hereby empowered to cause an Action or Actions to be brought, and any Bill or Bills of Indictment to be preferred against any Person who shall steal, break down, take away, injure, or spoil the said Bridges, or any such Turnpike, Tollhouse or other Building, Fence, Tables of Tolls, Lamp, Lamp Irons, or Post, or any of such Materials, Tools, or Implements as aforesaid, or any of them, or any Part or Parts thereof, and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Article or Articles, Thing or Things, for which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Trustees for the Purposes of this Act, without particularly mentioning or specifying the Name or Names of all or any of the said Trustees.

XX. Provided

Tolls to be paid once only the same Day.

XX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable any Collector of the said Tolls to demand or take any more than One Toll from any Person or Persons whomsoever, for or in respect of the same Carriage, Horse, Beast, or other Cattle in the same Day, (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) through the same or any other Tollgate or Tollgates, Turnpike or Turnpikes on the said Bridge, or the Avenues or Roads leading thereto, such Person and Persons producing a Ticket denoting that such Toll hath been paid on that Day, for or in respect of such Carriage, Horse, Beast, or other Cattle on the said Bridge, or the Avenues or Roads leading thereto, which Ticket the said Collector is hereby required to deliver gratis, on Receipt of such Toll.

Collectors of Tolls to be competent Witnesses.

XXI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, or any of them, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be disqualified from giving Evidence in any such Dispute, Suit, or Litigation by reason of his, her, or their Appointment to collect such Tolls.

Penalty on evading Tolls.

XXII. And be it further enacted, That if any Person or Persons shall give to, offer, or dispose of or receive from any other Person or Persons, any such Ticket as aforesaid, or shall counterfeit or knowingly make use of any counterfeited Ticket, in order to avoid Payment of the said Tolls, or any Part thereof, or shall take off or cause to be taken off any Horse or other Beast from any Carriage, whereby the Payment of any of the said Tolls, or any Part thereof, is or shall be evaded or avoided, or shall ride, lead, drive, or convey any Horse, Beast, Cattle, or Carriage whatsoever, through, over, or across the said River, within One Mile of the said Bridge, in order or with Intent to evade the Payment of the said Tolls, or shall in any other Manner or by any other Means evade the Payment of the said Tolls, or any of them, or any Part thereof, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Two Pounds, One Moiety whereof shall go to the Informer, and the other Moiety be applied for the Purposes of this Act.

General Exemptions.

XXIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for the Passage of any Cattle or Carriage which shall be used or employed only in conveying Stones, Timber, or other Materials for building or repairing the said Bridge or any temporary Bridge to be erected by virtue of this Act, nor for any Horse or other Beast actually going to or returning from drawing any Barge, Boat, or other Vessel upon the said River *Thames*, nor for any Horse, Beast, Cattle, or Carriage of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster-General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same, nor for any Horse, Beast, Cattle, or Carriage attending any Soldiers upon their March or on Duty, or attending them with their Arms or Baggage, nor for any Waggon, Wain, Cart, or other Carriage whatsoever,

ſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat or other publick Stores of or belonging to His Majeſty or for the Uſe of His Majeſty's Forces; nor for any Horſe, Mare, or Gelding furniſhed for or by any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, or for or by any Field Officer or other mounted Officer of any Corps of Volunteer Infantry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe, provided ſuch Perſons are in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemption; nor ſhall any Toll be demanded or taken for any Horſe, Cattle, Beaſt, or Carriage going for or returning with Materials for repairing the publick Highways in any of the Pariſhes through which the Turnpike Road from *Wantage* through *Wallingford* aforeſaid to *Nuffield* leads, nor for any Horſe, Cattle, Beaſt, or Carriage employed in the Convevanee of Vagrants ſent by legal Paſſes or returning therefrom, or for any Horſe, Cattle, Beaſt, or Carriage carrying or conveying any Perſon or Perſons going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of *Berks* or *Oxford*, on the Day or Days of ſuch Election, or on the Day before or the Day after ſuch Election ſhall begin or be concluded; and if any Perſon or Perſons ſhall, in any fraudulent or colluſive Manner whatſoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds, One Moiety whereof ſhall go to the Informer, and the other Moiety be applied for the Purpoſes of this Act.

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

XXIV. 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 publick 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.

If the Bridge ſhall receive Damage by Floods, &c. an occaſional Ferry may be ſet up, or temporary Bridge erected.

XXV. And whereas the ſaid Bridge may hereafter receive ſuch Damage by Floods or otherwiſe, that the Paſſage over the ſame may at Times become dangerous or impracticable; be it therefore further enacted, That in every ſuch Caſe the ſaid Truſtees, or any Five or more of them, may and ſhall at their Diſcretion, ſet up a Ferry acroſs the ſaid River *Thames* at any convenient Place or Places, being as near to the preſent Bridge as the repairing thereof ſhall permit, and ſuch Ferry or temporary Bridge ſhall continue till the Paſſage over the ſaid Bridge ſhall be rendered ſafe; and the ſame Sums of Money ſhall be payable as Tolls for a Paſſage acroſs the ſaid River by the ſaid Ferry or temporary Bridge as are herein-before directed.

directed to be paid for a Paſſage over the ſaid Bridge, and ſhall be levied, recovered, and applied in the ſame Manner as the ſaid Tolls are by this Act directed to be levied, recovered, and applied.

Truſtees may leſſen Tolls with Conſent of Creditors.

XXVI. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees and they are hereby empowered, at any Meeting to be holden for that Purpoſe, of which Meeting Fourteen Days Notice ſigned by the Clerk to the ſaid Truſtees, ſhall be affixed on the Toll-gates or Turnpikes to be erected by virtue of this Act, and alſo upon the Doors of the ſeveral Pariſh Churches within the Borough of *Wallingford* aforeſaid, from Time to Time to leſſen, reduce, or alter all or any of the Tolls granted by this Act; and afterwards at any Meeting to be holden as aforeſaid from Time to Time, if they ſhall ſee Occaſion, to advance all or any of the Tolls ſo leſſened or reduced as aforeſaid, to any Sum or Sums of Money not exceeding the ſeveral Rates granted by this Act: Provided nevertheleſs, that when the whole Money charged and borrowed on the Credit of this Act ſhall not have been paid or diſcharged, the Tolls hereby granted ſhall not be leſſened or reduced without the Conſent of the Perſon or Perſons entitled to Three-fourth Parts of the Money remaining due upon the Credit of this Act.

Tolls may be let.

XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees and they are hereby empowered at any Meeting, upon Twenty-one Days Notice being affixed on the Tollgates or Turnpikes that ſhall be erected by virtue of this Act, and by Advertiſement inſerted in the *Reading Mercury*, if then publiſhed, and if not, then in ſome other Newſpaper publiſhed or circulated in the ſaid County of *Berks*, to let or farm the Tolls to be collected by virtue of this Act, or any Part or Parts thereof, to any Perſon or Perſons at and for the largeſt yearly Sum that can be reaſonably gotten for the ſame, provided that the Leaſes, Contracts, or Agreements of or for the ſame be in Writing, and be duly executed by the Perſon or Perſons taking or farming ſuch Tolls, and alſo by Seven or more of the ſaid Truſtees, but the ſame ſhall not be let for more than Three Years at any one Time; and the Rent which ſhall be agreed to be paid for the ſaid Tolls ſhall be made payable, and ſhall be paid to the Treaſurer of the ſaid Truſtees, ſo that One Calendar Month's Payment of ſuch Rent ſhall always be in advance, or ſufficient Security given for the Payment of ſuch Rent, to the Satisfaction of the ſaid Truſtees, or in Default thereof it ſhall be lawful for the ſaid Truſtees, if they ſhall ſee fit, to annul and make void every ſuch Leaſe, Contract, or Agreement.

Leſſors or Perſons appointed by them, may collect the Tolls.

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

like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

Trustees may borrow Money.

XXIX. And, for the more speedily raising such Money as may be necessary for the Purposes of this Act, be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, and they are hereby empowered from Time to Time to borrow and take up at Interest, such Sum or Sums of Money as they shall think necessary, not exceeding the Sum of Six Thousand Pounds in the whole, and by Writing under their Hands and Seals, to assign over or mortgage the Tolls hereby granted, or any Part thereof, and the Tollgates, Turnpikes, and Tollhouses erected or to be erected by virtue of this Act (the Charges of such Assignments and Mortgages to be paid out of the said Tolls), as a Security for the Re-payment of such Sum or Sums of Money, with Interest for the same, to the Person or Persons who shall advance and lend such Money, his, her, or their Executors, Administrators, and Assigns, such Interest to be paid and payable by equal Half-yearly Payments at the Dwelling House of the Treasurer of the said Trustees for the Time being; all which Mortgages or Assignments shall be in the Words or to the Effect following; (that is to say),

Form of the Mortgage.

'BY virtue of an Act made in the Forty-ninth Year of the Reign of King *George* the Third, [*here set forth the Title of this Act*] We whose Names are hereunto subscribed and Seals affixed (being Trustees acting in the Execution of the said Act) in Consideration of the Sum of Pounds to the Treasurer in hand paid by *A. B.* do hereby grant, bargain, sell, and demise unto the said *A. B.* Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and also of the Tollgates, Turnpikes, and Toll Houses for collecting the same, as the said Sum of Pounds, doth or shall bear to the whole Sum charged and advanced, or to be charged and advanced on the Credit of the said Act; to be had and holden from the Day of the Date hereof, until the said Sum of Pounds, with Interest for the same after the Rate of *per Centum per Annum*, shall be repaid and satisfied. Given under our Hands and Seals, this Day of in the Year of our Lord .'

Copies of Mortgages to be entered.

And Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Clerks to the said Trustees, and such Book or Books shall and may at all seasonable Times be perused or inspected by all Persons interested, without Fee or Reward; and all Mortgages or Assignments which shall be made in the Manner and Form aforesaid, shall be good, valid, and effectual to all Intents and Purposes whatsoever; and all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby respectively secured, may from Time to Time assign and transfer the same Security or Securities, and all Benefit and Advantage thereof, and all their Right, Title, and Interest to the Principal and Interest Money thereby respectively secured, or any Part thereof, to any Person or Persons whomsoever,

whomſoever, by Writing under their Hands and Seals, in the Words, or to the Effect following; (that is to ſay),

"I *A. B.* being entitled to the Sum of Pounds ſecured to Executors, Adminiſtrators, and Aſſi g n by virtue of a Mortgage or Aſſignment bearing Date the Day of under the Hands and Seals of of the Truſtees acting in the Execution of an Act, made in the Forty-ninth Year of the Reign of King *George* the Third, intituled, [*ſet forth the Title of this Act*] upon the Credit of the ſaid Act, do hereby transfer all my Right and Title in and to the ſame, and all the Principal and Intereſt Money now due and owing thereon, unto *C. D.* Executors, Adminiſtrators, and Aſſigns. Dated this Day of in the Year of our Lord" Form of Transfer.

And every ſuch Transfer ſhall be produced and notified to the Clerk to the ſaid Truſtees within Two Calendar Months next after the Date thereof; and ſuch Clerk ſhall cauſe an Entry or Memorial to be made thereof, containing the Names of the Parties and Sum of Money therein mentioned to be transferred, in the ſaid Book or Books to be kept for entering the ſaid original Mortgages or Aſſignments to be made by virtue of this Act, and for which Entry the Clerk who ſhall enter the ſame ſhall be paid Four Shillings, and no more; and after ſuch Entry made, every ſuch Transfer ſhall entitle the Perſon to whom the ſame ſhall be made, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon, and ſuch Aſſignee or Aſſignees may in like Manner aſſign or transfer again, and ſo *toties quoties*; and after ſuch Entry or Memorial made thereof as aforeſaid, it ſhall not be in the Power of any Perſons making ſuch Transfer, to make void, releaſe, or diſcharge the ſame or the Monies thereby due, or any Part thereof; and all Perſons to whom ſuch Mortgages, Aſſignments, or Transfers ſhall be made as aforeſaid, ſhall be in Proportion to the Sums therein reſpectively mentioned, Creditors on ſuch Tolls, Tollgates, Turnpikes, and Tollhouſes in equal Degree one with another, and ſhall have no Preference, in reſpect of the Priority of advancing any ſuch Monies or of the Dates of ſuch Mortgages or Aſſignments.

Application of the Tolls and the Money to be borrowed.

XXX. And be it further enacted, That out of the firſt Money ariſing or to ariſe by the Tolls which ſhall be collected by virtue of this Act, or out of the firſt Money which ſhall be borrowed upon the Credit thereof, the ſaid Truſtees ſhall, in the firſt Place, pay and defray the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, and repay all and every Sum and Sums of Money which ſhall be advanced by any Perſon or Perſons whomſoever, together with lawful Intereſt for the ſame, and alſo all Coſts, Charges, and Expences in making the Surveys, Plans, and Eſtimates for rebuilding all or any Part of the ſaid Bridge, and after Payment thereof all the Money which ſhall ariſe or come to the Hands, Cuſtody, or Power of the ſaid Truſtees, or their Treaſurer, by virtue or for the Purpoſes of this Act, ſhall from Time to Time be applied in erecting the ſaid Turnpikes and Tollhouſes, and in erecting the ſaid temporary Bridge, and in rebuilding all or any Part of the preſent Bridge, and keeping the ſaid Bridges in Repair, and opening and making proper and convenient Avenues and Approaches to the ſaid Bridge, and alſo to the ſaid temporary Bridge, at each End thereof, and in defraying all

all other neceſſary Charges and Expences attending the Execution of this Act, and in paying the Intereſt of the Principal Money ſo to be borrowed, and in otherwiſe carrying this Act into Execution, and to or for no other Uſe, Intent, or Purpoſe whatſoever.

Application of the Money due from Corporation.

XXXI. And be it further enacted, That the ſaid Sum of Three Hundred and Fifty-one Pounds Four Shillings and Five-pence Halfpenny, due from the Corporation of *Wallingford* upon the Balance of their Accounts as aforeſaid, or ſo much thereof as ſhall remain (after deducting all ſuch Sum and Sums of Money as they ſhall have ſince the ſaid Twenty-fourth Day of *April* One thouſand eight hundred and nine expended in taking down any Part of the ſaid Bridge, or in removing any Obſtructions in the ſaid River, or in or towards the Erection of the ſaid temporary Bridge, or in the making of any Roads or Ways to the ſame), and alſo all Rents and Sums of Money to be received annually by the ſaid Corporation or their Bridgemen, and which are applicable to the Support of the ſaid Bridge, ſhall in the Month of *January* yearly, until the Whole of the Principal Money to be borrowed upon the Credit of this Act, and the Intereſt thereof, ſhall be fully paid, be paid to the ſaid Truſtees, and be by them applied in aid of the Money by this Act authorized to be raiſed, and for no other Uſe or Purpoſe whatſoever.

Corporations, &c. empowered to treat.

XXXII. And be it further enacted, That it ſhall be lawful for all Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees of Idiots and Lunatics, and all other Truſtees whomſoever, for and on Behalf of any Infants, Femes Covert, or *Ceſtuique* Truſts, Idiots, Lunatics, or other Perſons under any Diſability of acting for themſelves, and for all and every Perſon and Perſons who are or ſhall be ſeized, poſſeſſed of, or intereſted in any Meſſuages, Lands, Tenements, or Hereditaments which may be neceſſary or expedient to be purchaſed for the Purpoſes of this Act, to treat and agree with the ſaid Truſtees for the abſolute Sale thereof, or any Part thereof, or for their Intereſt therein, or by way of annual Rent for the ſame, and to convey the ſame to the ſaid Truſtees for the Purpoſes of rebuilding or altering all or any Part of the ſaid Bridge, or building the ſaid temporary Bridge, and erecting the Tollhouſes, Tollgates, Works, and Conveniencies thereto, and of making the Avenues and Approaches to the ſaid Bridge; and all Contracts, Agreements, Sales, and Conveyances which ſhall be ſo made, ſhall be good, valid, and effectual to all Intents and Purpoſes whatſoever, any Law, Uſage, or other Matter or Thing, to the contrary thereof in anywiſe notwithſtanding; and all ſuch Tenants for Life or in Fee Tail, General, or Special, or for Years determinable on any Life or Lives, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees, Huſbands, and Truſtees, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and other Perſons, are and ſhall be indemnified for what they ſhall do by virtue and in purſuance of this Act.

In caſe of Perſons refuſing to treat, or not agreeing, a Jury to ſettle the Recompence.

XXXIII. And be it further enacted, That if any Owner, Proprietor, Occupier of, or other Perſon or Perſons intereſted in any any Meſſuages, Lands, Tenements, or Hereditaments, which the ſaid Truſtees ſhall judge neceſſary or proper to be purchaſed, taken, or uſed for any of the Purpoſes

of this Act, or which shall be injured or damaged by the said Trustees, or any Person or Persons acting under or by their Authority in carrying this Act into Execution, or any such Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees, Guardians, Husbands, Committees, or other Trustees, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Place of Abode of such Person or Persons, or of the Clerk or Head Officer of any such Body Politic, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Premises, signed by the Clerk to the said Trustees, shall, for the Space of Twenty-one Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or otherwise shall be prevented from treating, then and in every such Case it shall be lawful for the said Trustees to cause it to be inquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County in which the Premises in question shall be situate, (which Oaths the said Trustees, or any Two or more of them, are hereby empowered to administer), what Damage will be sustained by and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested for or on account of the taking or using of such Messuages, Lands, Tenements, or Hereditaments for the Purposes of this Act, and in order thereto the said Trustees, or any Two or more of them, are hereby empowered and required from Time to Time to summon and call before them all and every Person and Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses, touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby empowered and required to administer), and they shall order and cause the said Jury to view the Place in question, and use all other lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have so ascertained and settled such Damages and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the Owners, Proprietors, or Occupiers of the said Messuages, Lands, Tenements, or Hereditaments, or other Persons interested therein, according to the Verdict or Inquisition of the said Jury, which said Verdict or Inquisition and Judgement, Order, or Determination, so had or made, shall be final, binding, and conclusive, to all Intents and Purposes whatsoever against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise; and all and every such Owners, Proprietors, Occupiers, and Persons anyways interested in such Messuages, Lands, Tenements, or Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of the same, and upon Payment of the Money so assessed to the respective Persons entitled thereto or their Agents, or (in case of Refusal to accept such Money) upon paying the same into the Bank of *England* in Manner by this Act directed, it shall be lawful for the said Trustees to cause the Premises, in respect whereof such Money shall be assessed, to be disposed of, and such Acts to be done thereto, as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase or Consideration Money had been received by the Person or Persons entitled thereto; and for summoning and returning any such Jury, the said Trustees are hereby empowered to

iſſue out their Warrant or Warrants, ſigned by any Two or more of them, to the Sheriff of the County in which the Premiſes in queſtion ſhall be ſituate, thereby requiring him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons, to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch Warrant ſhall be appointed, and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required thereupon to impannel, ſummon, and return ſuch Twenty-four Perſons accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, the ſaid Truſtees ſhall ſwear or cauſe to be ſworn Twelve Perſons, who ſhall be the Jury for the Purpoſes aforeſaid, and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Deputy or Deputies ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured or ſummoned to attend that Service to the Number of Twelve: Provided always, that all Perſons concerned ſhall have their lawful Challenges againſt any of the Jurymen to be ſummoned in purſuance of this Act, in ſuch and the like Manner as any Party in any Action depending in any of His Majeſty's Courts of Record at *Weſtminſter* is or ſhall be by Law entitled to; and the ſaid Truſtees are hereby empowered to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, who ſhall make Default in the Premiſes, and alſo on any of the Perſons who ſhall be ſummoned and returned to ſerve on ſuch Jury, and ſhall not appear, or after having appeared ſhall refuſe to be ſworn on the ſaid Jury, or having been ſworn ſhall refuſe to give or ſhall not give his or their Verdict on the Matter in queſtion, or ſhall in any other Manner wilfully neglect his or their Duty therein, and on any of the Perſons who being ſummoned or required to give Evidence before the ſaid Jury, touching the Premiſes, ſhall neglect or refuſe to appear, or refuſe to be ſworn or be examined or give Evidence touching the ſame, but no ſuch Fine ſhall exceed Ten Pounds upon any one Perſon for one Offence.

Jurors may be challenged.

Sheriff, &c. to be fined for Neglect of Duty.

By whom Expences of the Jury to be paid.

XXXIV. And be it further enacted, That in caſe any ſuch Jury ſhall give in or deliver a Verdict or Aſſeſſment for more Money than ſhall, by or on the Behalf of the ſaid Truſtees, have been offered before the ſummoning and returning ſuch Jury as a Recompence or Satisfaction for any ſuch Meſſuages, Lands, Tenements, or Hereditaments, to be purchaſed as aforeſaid, or for any ſuch Right, Intereſt, or Property, or Damage as aforeſaid, then and in every ſuch Caſe the Coſts and Charges of ſummoning and returning the Jury and Witneſſes ſhall be borne and paid by the ſaid Truſtees, out of the Money ariſing by virtue of this Act; but if any Jury ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall, by or on behalf of the ſaid Truſtees, have been offered before the ſummoning and returning ſuch Jury, as a Recompence or Satisfaction for any ſuch Meſſuages, Lands, Tenements, or Hereditaments ſo to be purchaſed as aforeſaid, or for any ſuch Right, Intereſt, or Property or Damage as aforeſaid, then and in every ſuch Caſe the Coſts and Charges of ſummoning and returning the ſaid Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have any Controverſy or Diſpute, which ſaid Coſts and Expences ſhall be aſcertained and ſettled by ſome Juſtice of the Peace (not intereſted in the Matter in queſtion, who is hereby authorized and required to examine and ſettle the ſame) and ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon

or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees, by such Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures incurred by this Act: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Trustees to pay Expences, where Persons from Absence are prevented from treating.

XXXV. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any such Messuages, Houses, Tenements, or Hereditaments, purchased, taken, or used, by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on the Behalf of any Infant, Lunatic, Idior, Feme Covert, or other *Cestuique* Trust, or to any Person whose Messuages, Houses, Tenements, or Hereditaments are limited in Strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to 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 there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Messuages, Houses, Tenements, or Hereditaments, in the Purchase and Redemption of the Land Tax, or Discharge of any Debts or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Messuages, Houses, Tenements, or Hereditaments, or affecting other Messuages, Houses, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Houses, Tenements, 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 Messuages, Houses, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, 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,

Application of Compensation if amounting to 200l.

Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Meſſuages, Houſes, Tenements, and Hereditaments ſo hereby directed to be purchaſed, by virtue of this Act, in caſe ſuch Purchaſe or Settlement were made.

Application of Compenſation if leſs than 200l. and exceeding 20l.

XXXVI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Meſſuages, Houſes, Tenements, or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed or be equal to 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 Meſſuages, Houſes, Tenements, or Hereditaments, ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy, Idiotcy, or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England* in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and placed to his Account as aforeſaid, in order to be applied in Manner herein-before 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 Three or more of the ſaid Truſtees for executing this Act, (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 therefrom, may be applied in Manner herein-before 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 of Compenſation if leſs than 20l.

XXXVII. Provided alſo, and be it enacted, That where ſuch Money, ſo agreed or awarded to be paid as next before-mentioned ſhall be leſs than 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 Meſſuages, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees ſhall think fit, or in caſe of Infancy, Idiotcy, or Lunacy, then ſuch Money ſhall be paid 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, &c.

XXXVIII. 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 Meſſuages, Houſes, Tenements, or Hereditaments to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Meſſuages, Houſes, Tenements, or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the

the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Messuages, Houses, Tenements, or Hereditaments, [*describing 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 or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estates, Title, or Interest of the Person or Persons making Claim thereunto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is 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 such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

Subject to the Order of the Court of Chancery, &c.

XXXIX. 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 Messuages, Houses, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Messuages, Houses, Tenements, or Hereditaments, to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Messuages, Houses, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Messuages, Houses, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends and Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Respecting disputed Titles.

XL. Provided also, and be it further enacted, That when by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Messuages, Houses, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Messuages, Houses, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of the Expences as the said Court shall deem reasonable, to be paid

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

by the ſaid Truſtees out of the Monies to be received by virtue of this Act who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

For getting Materials to repair Bridges and Roads.

XLI. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Bridge, and to and for ſuch Perſons as he or they ſhall reſpectively appoint, to ſearch for, dig, get, gather, and take away any Stones, Gravel, Sand, or other Materials for making or repairing the ſaid Bridge or temporary Bridge, or the Avenues or Approaches thereto, out of or from any Common or Waſte Ground, River or Brook, within the Borough of *Wallingford* aforeſaid, or any adjoining Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place, without paying any Thing for the ſame, the ſaid Surveyor or Surveyors, or other Perſon or Perſons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and alſo that ſuch Surveyor or other Perſons as aforeſaid may by Order of the ſaid Truſtees (ſuch Order to be made at ſome Meeting of the ſaid Truſtees to be holden in purſuance of this Act, and a Copy thereof given to ſuch Surveyor or Surveyors, atteſted and ſigned by the Clerk to the ſaid Truſtees), ſearch for, cut, dig, get, gather, and take away any ſuch Materials as aforeſaid, in, of, from and out of the private Lands, Fields, or Grounds of any Perſon or Perſons (where the ſame may be had or found), ſuch Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk, or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees, making or tendering ſuch Satisfaction, as well for the Stone or other Materials to be dug, gotten, gathered, and carried away, as for the Damage done thereby, to the Owners and Occupiers of ſuch Grounds where and from whence the ſame ſhall be cut, dug, gotten, gathered, and carried away, or over which the ſame or any other Materials for making and repairing the ſaid Bridges, Avenues, or Approaches thereto ſhall be carried, according to their reſpective Rights and Intereſts in ſuch Grounds, as the ſaid Truſtees ſhall judge reaſonable; and in caſe of any Difference between the Truſtees, Surveyor or Surveyors, or other Perſon or Perſons employed as aforeſaid, and the ſaid Owners or Occupiers, or any of them, concerning ſuch Damages, it ſhall be lawful for any Two or more Juſtices of the Peace of the County or Place where ſuch Materials ſhall be ſo cut, dug, gotten, gathered, taken, and carried away, on Fourteen Days Notice thereof in Writing being given by either Party to the other, or left at their reſpective Places of Abode, to hear, ſettle, and determine the Matters of ſuch Payment and Damages; and the Judgement or Order of the ſaid Juſtices ſhall be final and concluſive to all Parties.

Notice to be given to Occupiers of inclоſed Lands before Materials taken.

XLII. Provided nevertheleſs, and be it enacted, That it ſhall not be lawful for any Surveyor, or any other Perſon or Perſons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing ſuch Bridges, Avenues, or Approaches, or any of them, out of or from any inclоſed Lands or Grounds, until Notice in Writing, ſigned by the Surveyor, ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Reſidence, to appear before the ſaid Truſtees,

Truſtees, or any Two or more Juſtices of the Peace acting for the County or Place where ſuch Premiſes ſhall lie, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier or his Agent ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then and in ſuch Caſe the ſaid Truſtees, or ſuch Juſtices, ſhall and may authorize ſuch Surveyor or other Perſon or Perſons to dig, get, gather, and carry away ſuch Materials, at ſuch Time or Times as to the ſaid Truſtees or Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or his Agent purſuant to ſuch Notice, the ſaid Truſtees or Juſtices ſhall and may make ſuch Order therein as they reſpectively ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Occupier or his Agent had attended.

Penalty on obſtructing Workmen, &c.

XLIII. And be it further enacted, That if any Perſon or Perſons ſhall at any Time obſtruct, hinder, or moleſt the ſaid Truſtees, or any Surveyor or other Officer, Workman, or Perſon whomſoever employed by virtue of this Act, in the Performance or Execution of their or his Duty, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Forty Shillings.

Penalty on taking away Materials got by Surveyors.

XLIV. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall remove or take away any Stones or Gravel, or any Materials laid upon the ſaid Bridge, or any temporary Bridge, or upon the Avenues or Approaches thereto, or upon any Part thereof, for the making or repairing thereof, without the Order of the ſaid Truſtees, or of their Surveyor or Surveyors for that Purpoſe, or if any Perſon or Perſons whomſoever ſhall take away any Stones or Gravel, or Materials, which ſhall have been dug or gathered by or by the Order of the ſaid Truſtees or their Surveyor or Surveyors, in any Lands, Fields, Waſtes, or Grounds, River or Brook, for the Purpoſe of making or amending the ſaid Bridges, Avenues, and Approaches, or any Part or Parts thereof, or ſhall get or take away any Stones, Gravel, or Materials out of any Pit or Quarry, which ſhall have been made for the Purpoſe of getting ſuch Materials for making or amending the ſaid Bridges, Avenues, and Approaches, or any Part or Parts thereof, before the ſaid Surveyor or Surveyors, or his or their Workmen, ſhall have diſcontinued working therein for the Space of Six Weeks, (except the Owner and Occupier of any private Grounds, and Perſons authorized by ſuch Owner or Occupier, to get Materials therein for his or her own private Uſe only, and not for Sale), every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

Penalty on Perſons injuring the Bridge.

XLV. And be it further enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly blow up, pull down, or deſtroy the ſaid Bridge, or the ſaid temporary Bridge, or any Part thereof reſpectively, or any Tollhouſe or Tollgate to be erected or ſet up upon or near the ſaid Bridges or either of them, or any of the Works, Buildings, or Erections made in purſuance of this Act, or cauſe or procure or direct the ſame to be done, every Perſon ſo offending, on being convicted thereof, ſhall be deemed guilty of Felony, and the Court before whom ſuch Perſon ſhall be tried and convicted ſhall have Power and Authority to cauſe ſuch Perſon or

Perſons to be tranſported for the Term of Seven Years, or may, in mitigation of ſuch Puniſhment, pronounce ſuch Sentence as the Law directs in Caſes of Petit Larceny.

To prevent damaging the Bridges, towing Boats with a Line thereon, &c.

XLVI. And be it further enacted, That if any Perſon or Perſons ſhall break, throw down, injure, deſtroy, obliterate or deface any Mileſtone, Table of Tolls, or Poſt erected on the ſaid Bridge or temporary Bridge, or any of the Avenues or Approaches thereto, or any of the Letters, Figures, or Marks painted or inſcribed thereon, or if any Perſon or Perſons, having the Care of any Barge, Boat, or other Veſſel which ſhall be navigated in or upon the ſaid River, ſhall paſs a Line over the preſent Bridge or any temporary Bridge to be erected as aforeſaid, to the Annoyance of Paſſengers or Cattle going over the ſame, or ſhall laſh, tie, or make faſt any Cord, Rope, or Cable to any Part of the ſaid Bridges, or either of them, for the Purpoſe of mooring or ſtaying any Barge, Boat, or other Veſſel, or ſhall moor, ſtay, faſten, or cauſe, or procure to be moored, ſtayed, or faſtened any Barge, Boat, or other Veſſel, ſo as to beat againſt or ſtrike the ſaid Bridges, or either of them, on either Side thereof, without the Conſent of the ſaid Truſtees, or any Five or more of them, by Writing under their Hands firſt had and obtained, or ſhall haul or draw, or cauſe to be hauled or drawn upon any Part of the ſaid Bridge or Bridges, 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 Bridges, or the Avenues or Approaches thereto, to the Prejudice thereof reſpectively, every Perſon offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Damage done to the Bridge by Bargemen, to be paid for by the Owners.

XLVII. And be it further enacted, That if the Perſon or Perſons having the Care of any Barge, Boat, or other Veſſel, which ſhall be navigated in or upon the ſaid River *Thames*, ſhall wilfully, careleſsly, or negligently cauſe, permit, or ſuffer any Damage or Injury to be done to the ſaid Bridge or temporary Bridge by any ſuch Barge, Boat, or other Veſſel, then and in every ſuch Caſe the Owner or Owners of every ſuch Barge, Boat, or other Veſſel ſhall be anſwerable and liable to make Satisfaction to the ſaid Truſtees for ſuch Damage or Injury, and ſuch Satisfaction ſhall and may be recovered from the Owner or Owners of ſuch Barge, Boat, or other Veſſel, in like Manner, as if ſuch Damage or Injury had been occaſioned by or through his or their own Negligence or Careleſſneſs.

For preventing Annoyances.

XLVIII. And be it further enacted, That if any Perſon or Perſons ſhall 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, or except with regard to ſuch Waggon, Wain, Cart, or other Carriage, during ſuch reaſonable Time as the ſame ſhall be loading or unloading, and ſtanding as near the Side of the ſaid Avenues or Approaches as conveniently may be, in, upon, or on the Side of the ſaid Bridge or Bridges, or the Avenues or Approaches thereto, either with or without any Horſe or Beaſt harneſſed or yoked thereto,

thereto, or shall lay any Timber, Wood, or Bushes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Annoyance whatsoever, upon any Part of the said Bridge or Bridges, or the Avenues 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 Forty Shillings, one Moiety whereof shall go to the Informer and the other Moiety shall be applied for the Purposes of this Act.

Tolls to cease.

XLIX. Provided always, nevertheless, and be it further enacted, That as soon as the several Purposes of this Act shall be carried into Execution, and the Principal Money and Interest borrowed and secured upon the Credit thereof repaid and satisfied, then and from thenceforth all the Tolls hereby imposed shall absolutely cease and determine; and the said Bridge and the Avenues and Approaches leading thereto, and the Turnpike and Tollhouse to be erected by virtue of this Act, Lamps, Lamp Irons and Lamp Posts, Avenues, and Approaches to the said Bridge shall forever thereafter be vested in the Mayor, Burgesses, and Commonalty of the Borough of *Wallingford* aforesaid, and be by them supported and maintained out of the Fund which is now applicable to the Support of the said Bridge.

Actions to be brought in the Name of the Treasurer or Clerk, or One of the Trustees,

but neither of them liable to Costs.

L. And be it further enacted, That whenever any Action shall be brought by the Order of the said Trustees against any Person or Persons by virtue or in pursuance of this Act, the same may be brought in the Name or Names of the Treasurer or Clerk, or in the Name of any One of the Trustees on behalf of the said Trustees; and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name the same shall be brought; but no such Treasurer, Clerk, or Trustee, or any or either of them, shall be subject to the Payment of any Costs and Expences on Account thereof, but all such Costs and Expences shall be defrayed out of the Money arising by virtue of this Act.

Power to detain unknown Persons guilty of Offences.

LI. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collectors, Surveyors, or other Officers employed under this Act; be it therefore enacted, That it shall and may be lawful to and 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 forthwith to convey him, her, or them before any Justice or Justices of the Peace for the County or Place where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

Recovery and Application of Penalties.

LII. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act imposed, (the Manner of levying and recovering whereof is not hereby otherwise particularly directed), shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County, City, or Place where the Offence shall be committed, or 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 Evidence of any credible Witness upon Oath), and the Overplus (if any) of the Money arising by such Distress and Sale shall be returned upon De-

mand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress, and such Penalties and Forfeitures when recovered (if not herein-before directed to be otherwise applied) shall be paid to the Treasurer to the said Trustees to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be paid forthwith, it shall be lawful for such Justice and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, City, or Place where such Offence shall be committed, or where the Offender shall be or reside, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied: Provided always, that when the Tolls by this Act made payable shall cease, according to the Intent and Meaning of this Act, such Penalties and Forfeitures or Parts thereof, as are hereby directed to be paid to the Treasurer of the said Trustees, shall go and be paid to the Mayor, Burgesses, and Commonalty of the Borough of *Wallingford* aforesaid, and be applied by them in or towards the Repair of the said Bridge.

LIII. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act, or against any Order of Sessions, or any Matter or Thing done in the Execution of this Act, the Form of Conviction shall be in the Words, or to the Effect following; (that is to say),

Form of Conviction.

'BE it remembered, That on this Day of in the Year of the Reign of *A. B.* is convicted before of His Majesty's Justices of the Peace for the of having [*as the Offence shall be*]; and I do adjudge him [her, *or*, them] the said [*or*, We] to forfeit and pay for the same the Sum of Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year aforesaid.'

Appeal.

LIV. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Judgement or Determination, or by any Matter or Thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the first General or Quarter Sessions of the Peace to be holden for the County or Place within which the Matter of Appeal shall arise next after the Expiration of One Calendar Month from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Fourteen Days Notice at least of his or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Trustees, and within Ten Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine

determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties, or otherwise, as they shall judge proper, and the said Justices may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Determinations of the said Justices shall be final, binding, and conclusive to all Parties to all Intents and Purposes whatsoever.

If the Corporation of Wallingford, interested in their Corporate Capacity, Appeal to be to County Sessions.

LV. Provided also, and be it enacted, That in case the Mayor, Burgesses and Commonalty of the said Borough of *Wallingford* shall be in anywise interested, in their Corporate Capacity, in any Cause of Complaint for any Thing done, or which ought to have been done by them in pursuance of this Act, such Appeal shall be made to the Justices of the Peace at the General Quarter Sessions of the Peace to be held for the County of *Berks*, who are hereby empowered and required to hear and determine the Cause and Matter of such Appeal in a summary Way, and to award such Costs as such Justices shall think proper; and their Determination shall be final and conclusive, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

Distress not unlawful for want of Form.

LVI. And be it further enacted, That when any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity that shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Proceedings not to be quashed for want of Form, nor removeable by Certiorari.

LVII. And be it further enacted, That no Order, Verdict, Assessment, Judgement, or other Proceeding made, touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removeable by *Certiorari*, or by any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Plaintiff not to recover without Notice, nor after Tender of Amends.

LVIII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Fourteen Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff recover in such Action, if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney or Attornies, by or on the Behalf of the Defendant or Defendants 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 such Action, by Leave of the Court, after such Action shall have been brought, at any Time before

Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall think fit, whereupon ſuch Proceedings, Order, and Judgement ſhall be made and given in and by ſuch Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LIX. Provided always, and be it enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, after the Expiration of Six Calendar Months next after the Fact committed, and every ſuch Action or Suit ſhall be brought and tried in the County where the Cauſe of Action ſhall ariſe, and not elſewhere; and if any ſuch Action or Suit ſhall be brought before Fourteen Days Notice ſhall have been given, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County than as aforeſaid; then and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants, and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then and in every ſuch Caſe the Defendant or Defendants ſhall recover Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

Saving the Rights of the Corporation of Wallingford.

LX. Provided always, and be it further enacted, That nothing in this Act contained ſhall prejudice the Rights, or tend or be conſtrued to defeat or abridge the Mayor, Burgeſſes, and Commonalty of the Borough of *Wallingford* aforeſaid, of the Powers granted to them by their Charters, but that the ſaid Corporation ſhall continue to hold and enjoy ſuch Rights, Privileges, Benefits, and Advantages as are granted to them in and by their ſaid Charters, or to which they are entitled by Preſcription, or otherwiſe, in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as they did before the paſſing of this Act, or could or might have done in caſe this Act had not been made; any Thing in this Act contained to the contrary notwithſtanding.

No Tolls to be taken by the Corporation while any are payable by virtue of this Act.

LXI. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Mayor, Burgeſſes, and Commonalty to demand or take any Tolls for Horſes, Cattle, or Carriages paſſing over, or Barges or other Veſſels paſſing under the ſaid Bridge, for and during ſuch Time as any Tolls ſhall be demanded or taken for the Paſſage of ſuch Horſes, Cattle, or Carriages, Barges, or other Veſſels by virtue of this Act; any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

Publick Act.

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

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