



ANNO QUADRAGESIMO OCTAVO

# GEORGI II. REGIS.

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## Cap. 62.

An Act for taking down and re-building the *Key Bridge* across the River *Avon*, in the Borough of *Tewkesbury*, in the County of *Gloucester*, and for making and forming convenient Roads thereto.

[27th May 1808.]

**W**HEREAS the Bridge across the River *Avon*, within the Borough of *Tewkesbury*, in the County of *Gloucester*, called *The Key Bridge*, is very ancient and decayed, and from the Violence of the Floods is so much injured as to be dangerous to Travellers, Carriages, and Cattle passing over the same, and the Way over the same is narrow and unsafe: And whereas if the said Bridge were taken down, and a new Bridge erected at or near the Scite thereof, and proper and convenient Avenues or Roads leading thereto formed at each End of the said Bridge, the same would be attended with great Benefit and Advantage to the Inhabitants of the said Borough, and other Persons trading thereto, and would also be of great public Utility: And whereas the several Purposes aforesaid 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 Bailiffs, principal Burgesses, High Steward, Recorder, Justices, Town Clerk, Coroner, and Chamberlain of the said Borough of *Tewkesbury* for the Time being, *Christopher Codrington Esquire, Charles Hubbery Tracy Esquire, Jacob Allis, Thomas Andrews, Tomas Brown, Isaac Butterfield, John Burrows, Joseph Buckle, Edward Brydges,*

[Loc. & Per ]

*Brydges, Charles Banaster, Thomas Cooper, Thomas Caddick, John Clarke, George Dumble, William Seale Evans, Robert Edwards, Thomas Easthope, John Easthope, Henry Fowke, Henry Hooper Fryer, James Gorle, Benjamin Holland, John Doddridge Humphreys, Nathaniel Heriland, John Allis Hartland, Samuel Healing, Abraham Harris, William Hughes Grazier, William Hughes Hofer, Richard Jenkins, John Jenkins, Robert Knight Clerk, James Kingbury, John Kedwurds, Omwell Lloyd, Omwell John Lloyd, William Lloyd, Thomas Dawson Lewis, William Martin, John Martin, Charles Moore, Edward Moore, John Moore Malster, John Mayo, John Pitt Nind, Thomas Osborne, William Proffer Clerk, Michael Procter, William Procter, George Prior, Nicholas Player, John Richardson, Edward Reddell, James Spilsbury, Thomas Jelf Sandilands, Robert Smith, John Terrett, John Terrett the younger, Samuel Trueman, William Thomas, Isaac Turner, Samuel Turner, Thomas Vernon, Henry White, Joseph Wickes, Thomas Woollams, Andrew Woollams, Thomas Whitborn, and Matthew Wright,* and their Successors, to be elected in manner herein directed, shall be and they are hereby declared to be Trustees for carrying this Act into Execution.

No Act of the Trustees valid unless at a Meeting.

Majority empowered to act.

Chairman to have the casting Vote.

Power to appoint new Trustees.

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, save and except as herein excepted; and 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 excepted; and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and as often as it shall so 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.

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 and may be lawful to and 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 Toll Gates that shall be erected by virtue of this Act, or upon the Door of the Parish Church of *Tewkesbury* 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.

IV. Provided

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 such several Persons as are herein appointed by reason or by virtue of their respective Offices) unless he shall be an Inhabitant living and residing in the said Borough of *Tewkesbury*, or 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, and Hereditaments in the said Borough of the clear Yearly Value of Thirty Pounds, or be possessed of or entitled to a Personal Estate of the Value of One thousand Pounds; 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 Effoign, Protection, or Wager of Law, or more than one Imparance, 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.

Qualification  
of Trustees.

V. Provided also, and be it 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):

‘ 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-eighth Year of the Reign of His present Majesty, intituled, [*repeat the Title of the Act*] according to the best of my Skill and Judgment, without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever.

‘ So help me GOD.’

VI. Provided also, and be it enacted, That no Person or Persons who shall keep a Victualling House, 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, she, or they shall keep such Victualling House, Alehouse, or other House of public Entertainment, or shall sell any Wine, Cyder, Beer, Ale, or Spirituous or other Strong Liquors

Victual'ers,  
&c. incapable  
of acting, &c.

Liquors by Retail; but no such Person shall be precluded from farming the Tolls by this Act granted, provided he, she, or they do 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 Tolley in *Tewkesbury* aforesaid, on the Third *Monday* next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, 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* and 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 Times 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 Toll Gates 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; 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 Three 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

would have been in case such Trustees had met in pursuance of an Adjournment.

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 Toll Gates that shall be erected by virtue of this Act, at least Five 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 and 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.

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.

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 and the Clerk then present, 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 less Number of Words.

Proceedings to be entered,

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 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 the 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

Trustees to appoint Officers, &c.

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proper

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, City 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 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 Custody 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, City 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

Detention 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 sufficient Distress, by virtue of this Act, for any longer Space of Time than Six Calendar Months.

XIII. And be it further enacted, That it shall be lawful to and 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 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 Toll House, Buildings and Appurtenances which he or she enjoyed in right of his or her Appointment to that Office, within Two Days after Notice given to him or her, or left at such Toll House 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, Building 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 Toll House, 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 Toll House 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 Toll House and other Premises, and to put the newly appointed Collector in Possession thereof.

On Death of a Gatekeeper Trustees may nominate another until the next Meeting, &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 build and erect or cause to be built and erected with Iron, Stone, or other Materials, a good and substantial new Bridge across the River *Avon* (of a Width not less than Sixteen nor more than Forty Feet in the clear) at the Place where the present Bridge stands, according to such Designs and in such Manner as they the said Trustees or any Five or more of them shall direct, and shall pull down or cause to be pulled down the said present Bridge, and build or cause to be built a temporary Bridge, or continue the said Bridge as a temporary Bridge over the said River till the new Bridge shall be erected, and to build and erect or cause to be built and erected One or more Toll House or Toll Houses, with a Gate or Gates and other Conveniences thereto, and also to make proper Roads, Ways, Avenues, and Approaches to the said new Bridge at each End thereof, fit for the Passage of Travellers, Carts, Cattle, and Carriages, and to erect and set up or cause to be erected and set up one or more Side Bar or Side Bars, Chain or Chains, on the Sides of or across such Roads, Ways, Avenues, or Approaches; and all such Roads, Ways, Avenues, and Approaches to the said Bridge at each End thereof, for the Space of One hundred Yards from the

Power to take down the present Bridge, and build a new one, etc.

the said Bridge, shall be maintained and repaired by the said Trustees by virtue of this Act, and the said Trustees are hereby authorized, empowered and required by and out of the Monies arising by virtue of this Act, to support and maintain and keep the said Bridge, Toll House and Toll Houses, Conveniencies, Ascents, and Approaches to the said Bridge in good and sufficient Repair, and for the Purposes aforesaid the said Trustees shall have full Power and Authority to remove or cause to be removed any Shoals or other Obstructions in the said River, and also to dig up, take, and carry away all Beds of Gravel, Sand, Mud, or other Impediments, and to deepen and widen the said River at the Place at or near which such new Bridge is intended to be erected, if it shall be thought necessary so to do, and also to dig and cut the Banks of the said River in such Manner as shall be necessary and proper for building the said new Bridge and preserving the same, and the Navigation of the said River near and under the said new Bridge free and open, and also to turn, widen, and alter any Highway or make any new Way, Avenue, or Approach leading to the said intended Bridge at each End thereof, and from Time to Time and at all Times hereafter to do all other Acts, Matters, and Things as the said Trustees or any Five or more of them shall think necessary, useful and convenient for effectually building, erecting, maintaining or supporting the said Bridge, Toll House or Toll Houses, and other Works and Conveniencies, or the Approaches thereto, and to lay on each Side of the said River, within the Distance of One hundred and Fifty Yards of the Scite or intended Scite of the said intended new Bridge, all Materials and other Things to be used in or about the said Bridge, Ways, Avenues, and Approaches, and there to work and use the same, they the said Trustees making Satisfaction in Manner herein-after mentioned to the respective Owners and Occupiers of all the Lands and Grounds, Tenements and Hereditaments, as shall be taken or made use of for the Purposes aforesaid or any of them; and also that it shall be lawful for the said Trustees and they are hereby required to cause the Carriageway of the Lane called *The Key Lane*, leading from the High Street in *Tewkesbury* aforesaid to the present and the said intended new Bridge, and being an Avenue to the said Bridge, to be well and sufficiently repaired, and to cause a Footway or Footways of flat smooth Stones to be laid on one or both Sides of the said Lane, and shall also cause the said Carriage and Footways to be kept in Repair from Time to Time as Occasion shall require.

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

XV. Provided always, and be it further enacted, That the Passage over the present Bridge shall not be stopped or destroyed until such temporary or new Bridge shall be built and made safe and commodious for Carriages and Passengers.

No Building except Toll Houses to be erected on the new Bridge.

XVI. And be it further enacted, That no House or Building whatsoever (Toll Houses excepted) shall be erected upon the said new Bridge when built, but that the same shall be quite open, and be deemed and used as a common public Highway for ever.

Power to provide Lamps, etc.

XVII. And be it further enacted, That the said Trustees shall and they are hereby authorized, empowered and required from Time to Time to purchase and provide such and so many Lamps and Burners, and other necessary Articles thereto, and also such and so many Lamp Irons and Lamp Posts as to them the said Trustees shall seem right and proper, and to direct the same



same to be affixed or set up on or against such Part or Parts of the said intended new Bridge and temporary Bridge, and to be altered, taken down or removed, and again set up in such Place or Places upon the said Bridges as they shall think fit and proper, and to cause such Lamps; or any of them, to be lighted at such Seasons of the Year, on such Evenings and in such Hours, and to be kept burning for so many Hours as to them the said Trustees shall seem necessary or proper for the well and sufficiently lighting the Passage along the said Bridges; and until the said Bridges shall be completed, the Costs and Charges attending the providing such Lamps and of lighting the same, shall be paid and defrayed out of the Monies arising or to be borrowed on the Credit of this Act; and that when and for ever after the said intended new Bridge shall be completed, such Costs and Charges shall be paid and defrayed in such and the same Manner, and by such and the same Ways and Means, as the Costs and Charges of providing and lighting the Lamps within the said Borough are paid and defrayed.

XVIII. 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, Side Bar or Chain to be erected by virtue of this Act, the Tolls following, before any Carriage, Horse, or other Beast or Cattle shall be permitted to pass through the same; that is to say: Tolls to be taken.

For every Horse or other Beast of Draught, drawing any Coach, Sociable, Berlin, Landau, Chariot, Vis-a-Vis, Chaise, Calash, Chaise Marine, Curricule, Chair, Gig, Whisky, Caravan, Hearse or Litter, the Sum of Six-pence: Tolls.

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

For every Waggon, Wain, Trolley, Cart, Dray, or other such Carriage, which with the Goods, Coals, Wares, Merchandizes, or Commodities conveyed therein or thereon, shall be of a less Weight than One Ton, the Sum of Four-pence:

For every Waggon, Wain, Trolley, Cart, Dray, or other such Carriage, which with the Goods, Coals, Wares, Merchandizes, or Commodities conveyed therein or thereon, shall be of the Weight of One Ton, and of a less Weight than One Ton and a Half, the Sum of Sixpence:

For every Waggon, Wain, Trolley, Cart, Dray, or other such Carriage, which with the Goods, Coals, Wares, Merchandizes, or Commodities conveyed therein or thereon, shall be of the Weight of One Ton and a Half, and of a less Weight than Two Tons, the Sum of Nine-pence:

For every Waggon, Wain, Trolley, Cart, Dray, or other such Carriage, which with the Goods, Coals, Wares, Merchandizes, or Commodities conveyed therein or thereon, shall be of the Weight of Two Tons, and of a less Weight than Two Tons and a Half, the Sum of One Shilling:

For every Waggon, Wain, Trolley, Cart, Dray, or other such Carriage, which with the Goods, Coals, Wares, Merchandizes, or Commodities conveyed therein or thereon, shall be of the Weight of Two Tons and a Half, and of a less Weight than Three Tons, the Sum of One Shilling and Three-pence:

For every Waggon, Wain, Trolley, Cart, Dray, or other such Carriage, which with the Goods, Coals, Wares, Merchandizes, or Commodities

[Loc. & Per.]

conveyed therein or thereon, shall be of the Weight of Three Tons or upwards, the Sum of One Shilling and Sixpence :

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

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

Tolls vested  
in the Trustees.

For Recovery  
of Tolls.

XIX. 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 such Turnpike or Toll Gate 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 to be appointed as aforesaid, neglect or refuse to pay the same or any Part thereof, it shall be lawful for such Collector to seize and distrain or cause to be seized and distrained any Horse or Horses, or other Beast or Cattle, or any Waggon, Wain, Trolley, Cart, Dray, or other Carriage, and the Goods and Chattels of any Person or Persons chargeable with the said Tolls or any of them, or the Bridles, Saddles, Gears, Harness, or Accoutrements of such Horse or Horses, or other Beast or Beasts, or any Part or Parts thereof; 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 Collector so seizing or distraining shall and may sell or cause to be sold the Horse or Horses, Beast or Beasts, or other Cattle, and their Bridles, Saddles, Gears, Harness and Accoutrements, or the said Waggon, Wains, Carts, Trollies, Drays or other Carriages, Goods or Chattels so seized and distrained, or any Part or Parts thereof, at or near the Turnpike or Toll Gate, Side Bar or Chain, where the said Tolls ought to have been paid, rendering the Overplus (if any) upon Demand to the Owner or Owners thereof, after such Tolls and all reasonable Costs and Charges for distraining, keeping, and selling the same, shall be deducted and paid.

Half Toll  
only to be  
taken for  
Goods having  
passed  
through the  
Lock.

XX. Provided always and be it further enacted, That nothing in this Act contained shall authorize or empower the said Trustees or their Collector or Collectors to demand or take at any Gate, Side Bar or Chain to be set up or erected by virtue of this Act, for any Waggon, Wain, Trolley, Cart, Dray or other such Carriage going for or laden with any Goods, Wares, Merchandizes or Commodities, which Goods, Wares, Merchandizes or Commodities shall have previously passed through the Lock or Sluice situate within the said Borough of *Tewkesbury* into the said River *Avon*, any further or greater Toll than One-half of the Amount of the Tolls herein-before authorized to be taken; any Thing herein-before contained to the contrary notwithstanding.

Disputes re-  
specting Tolls  
to be settled  
by a Justice.

XXI. 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

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, 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.

XXII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, as they shall think proper, to erect, provide, support and maintain an Engine or Machine near the said Bridge, for weighing any Waggon, Wain, Trolley, Catt, Dray or other such Carriage which shall pass over the said Bridge, in order to ascertain the Toll to be taken for the Passage of such Carriage, and likewise for weighing any Goods, Coals, Wares, Merchandizes or Things which any Person or Persons shall desire to have weighed, which Person or Persons shall pay to the said Trustees or their Order, to be applied towards the Purposes of this Act, a Sum to be from Time to Time fixed by the said Trustees, not exceeding Sixpence for every Ton, and so Proportion for a greater or less Weight; and it shall be lawful for any one of the said Trustees, or the Keeper of the Toll Gate or Gates to be made and erected in pursuance of this Act, from Time to Time, as often as they or any of them shall think fit, to weigh or cause all or any of such Waggons, Wains, Trollies, Carts, Drays and other such Carriages which shall pass over the said Bridge, either before or after such passing, together with the Loading thereof, to be weighed at the said Engine or Machine to be erected as aforesaid; and if any Owner of such Waggon, Wain, Trolley, Cart, Dray or other such Carriage, or the Driver thereof, shall refuse to permit the said Trustees, their Gate Keeper or Officers, or any of them, to weigh or cause to be weighed any such Carriage as aforesaid, or hinder, obstruct, or interrupt them, or any of them, or the Persons employed by them or any of them, in the weighing thereof, such Owner or Driver shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XXIII. And be it further enacted, That the Right and Property of the Bridges, Turnpikes, and Toll Houses and other Buildings, and the said Weighing Engine or Machine to be erected by virtue of this Act, with the Ground, Fences and Appurtenances thereto respectively, and of all Gates, Posts, Rails, Bars, Chains, Watch Boxes, Tables of Tolls, Lamps, Lamp Posts, 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, Toll House or other Building, Watch Box, Weighing Machine, Side Bars or Chains, Fence, Tables of Tolls, Lamps, Lamp Post, Lamp Iron 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

Weighing Engine to be erected.

Trustees, &c. empowered to weigh.

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

Bills

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 building a Bridge over the River *Avon*, in the Borough of *Tevesbury*, without particularly mentioning or specifying the Name or Names of all or any of the said Trustees.

Tolls to be paid Once only for passing and re-passing Once the same Day.

XXIV. 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 Horse, Beast, or other Cattle, or such Waggon, Wain, Trolley, Cart, Dray, or other Carriage passing Once and re-passing Once 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 Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Bar or Chain on the said Bridge, or the Avenues or Roads leading thereto, all and every 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 a Receipt of such Toll: Provided nevertheless, that every Waggon, Wain, Trolley, Cart, Dray or other such Carriage passing and re-passing over the said Bridge in the same Day, shall be liable to the Payment of the greatest Toll for every Time of passing and re-passing, which such Carriage with the Goods, Coals, Wares, Merchandizes or Commodities conveyed therein or thereon shall be subject or liable to according to the Weight thereof, either at the Time of passing or re-passing.

Collectors of Tolls to be competent Witnesses.

XXV. 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 the Tolls.

XXVI. 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 Carriages, whereby the Payment of any of the said Tolls or any Part thereof is or shall be evaded or avoided, or shall do any other Act whereby such Tolls or any of them, or any Part thereof, shall be evaded; or if any Person shall take, lead or drive any Horse, Mare, Gelding, Mule or Ass, or any Oxen, Cows, or Neat Cattle, or Calves, Swine, Sheep, or Lambs, by this Act liable to the Payment of Toll, over or through a certain Bridge or Passage erected across the said River *Avon*, at certain Mills called *The Town Mills* within the said Borough (except the Owner and Occupier of the said Mills for the Time being, and his, her, or their Agents and Servants) in order or with an Intent to evade Payment of the Tolls intended by this Act to be made payable, every such Person

so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, one Moiety whereof shall go to the Informer and the other Moiety shall be applied to the Purposes of this Act.

XXVII. Provided always, and be it further enacted, That no Tolls 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 Horses, Cattle, or Sheep going to depasture in a certain Meadow called *Severn Ham*, within the said Parish of *Tewkesbury*, or returning from the same; nor for any Horses or Cattle going to or returning from Water or Stable; nor for any Waggon, Wain, or other Carriage, or the Horses or Cattle drawing the same, employed only in conveying Hay or Grass from and out of the said Meadow called *Severn Ham*; or 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; or for any Horse, Beast, Cattle, or Carriage attending any Soldiers upon their March or on Duty, or attending them with their Arms or Baggage; or 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 employed in the Conveyance 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 County of *Gloucester*, or of a Burgess or Burgesses to serve in Parliament for the Borough of *Tewkesbury*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person 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 shall be applied to the Purposes of this Act.

General Ex-  
emptions.

XXVIII. And whereas the said Bridges may 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 *Avon*, at any convenient Place or Places, being as near to the said new Bridge or temporary Bridge as the repairing thereof shall permit, and such Ferry shall continue till the Passage over the said Bridge shall be rendered safe,

If the Bridges shall receive Damage by Floods, &c. an occasional Ferry may be set up.

[Loc. & Per.]

13. D.

and

and the same Sums of Money shall be payable as Tolls for a Passage across the said Bridge by the said Ferry, as are herein-before directed to be paid for a Passage over the said Bridges, 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  
reduce Tolls  
with Consent  
of Creditors.

XXIX. 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 Twenty 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, or upon the Door of the Parish Church of *Tewkesbury* aforesaid, from Time to Time to lessen or reduce all or any of the Tolls granted by this Act, for and during such Time as they the said Trustees shall think proper, and afterwards, at any Meeting to be holden as aforesaid, from Time to Time as they shall see Occasion, to advance all or any of the Tolls so lessened or reduced 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 Five-sixth Parts of the Money remaining due upon the Credit of this Act.

Tolls may be  
let.

XXX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered at any Meeting, upon Fourteen Days Notice being affixed on the Toll Gate or Turnpike that shall be erected by virtue of this Act, or by Advertisement inserted in the *Gloucester Journal* and *Gloucester Herald*, or either of them, if then published, and if not then in some other Newspaper or Newspapers published in the said County, 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 any Five 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 every such Lease, Contract or Agreement shall be null and void to all Intents, Purposes, and Constructions whatsoever.

Lessors or Per-  
sons appointed  
by them may  
collect the  
Tolls.

XXXI. 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 the said Trustees, are or is hereby authorized

sized 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:

XXXII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to compound with any Person or Persons for any Period of Time not exceeding Five Years, for any Horses, Beasts or Cattle, or any Waggon, Wain, Trolley, Cart, Dray, or other Carriage passing over the said Bridge, for all or any of the Tolls to be paid in respect thereof, and all such Composition Money shall be paid in advance, Quarterly or otherwise, as the said Trustees shall appoint; and in default thereof every such Composition shall be null and void to all Intents and Purposes whatsoever.

Trustees may compound for Tolls.

XXXIII. 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 Five 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 Five thousand Pounds in the Whole, and by Writing under their Hands to assign over or mortgage the Tolls hereby granted or any Part thereof, and the Toll Gates, Turnpikes, and Toll Houses 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 Repayment 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 or 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)

Trustees may borrow Money.

BY virtue of an Act, made in the Forty-eighth Year of the Reign of King George the Third [set forth the Title of this Act]. We whose Names are hereunto subscribed and Seals affixed (being Trustees acting in Execution of the said Act) in consideration of the Sum of \_\_\_\_\_ 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 Toll Gates, 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 this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ until the said Sum of \_\_\_\_\_ Pounds with Interest for the same after the Rate of Five Pounds *per Centum per Annum* shall be repaid and satisfied. Given under our Hands and Seals, this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

Form of the Mortgage.

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 \_\_\_\_\_

Copies of Mortgages to be entered.

said Trustees, and such Book or Books shall and may at all reasonable Times be perused or inspected 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, 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 \_\_\_\_\_ secured  
 to \_\_\_\_\_ Executors, Administrators, and  
 Assigns, 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-eighth 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 \_\_\_\_\_ Executors, Admini-  
 strators, and Assigns. Dated this \_\_\_\_\_ Day of \_\_\_\_\_  
 in the Year of our Lord \_\_\_\_\_

And every such Transfer shall be produced and notified to the Clerk of the said Trustees, within Six 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 Five 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 after such Entry or Memorial made thereof as aforesaid, it shall not be in the Power of any Person or 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, Toll Gates, Turnpikes and Toll Houses, 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 Mo-  
 to be bor-  
 rowed.

XXXIV. And be it further enacted, That out of the first Money arising or to arise by the Tolls which shall be collected by virtue of this Act or out of the first Money which shall be borrowed upon the Credit thereof, the said Trustees shall in the first Place pay and defray the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and in repaying all and every Sum and Sums of Money which shall



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 of the said Bridges; 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 Toll Houses, or in erecting the said temporary Bridge, or in repairing the present Bridge for the Purpose of a temporary Bridge, and in erecting the said intended new Bridge and keeping the same in Repair, and opening and making proper and convenient Avenues and Approaches to the said Bridge at each End thereof, and in repairing the said Avenue called *The Key Lane*, and in defraying all other necessary Charges and Expences attending the Execution of this Act, and in paying the Interest of the Principal Money so to be borrowed, and in otherwise carrying this Act into Execution, and to or for no other Use, Intent or Purpose whatsoever.

XXXV. And be it further enacted, That for making proper Avenues, Approaches and Conveniencies to the said intended Bridge, and for carrying the Purposes of this Act into Execution, it shall be lawful for the said Trustees to treat, contract and agree with the Owner and Owners, Proprietors and Occupiers of and Persons interested in the several Houses, Messuages, or Tenements, Buildings, Ground and Hereditaments, situate within the said Borough herein-after mentioned; (that is to say) one Messuage or Tenement situate at the Top of the said Lane, called *The Key Lane*, lately the Property of *Michael Procter* Gentleman deceased, but now of *John Martin* Gentleman, and *Mary* his Wife, and in the Occupation of *Edward Moore*; a Brewhouse, the Property of the said *John Martin* and *Mary* his Wife, and in the Occupation of the said *John Martin* and *Edward Moore*; a Building (used as a Lumber Room) the Property of the said *John Martin* and *Mary* his Wife, and in their Occupation; a Malthouse, the Property of the said *John Martin* and *Mary* his Wife, and now or late in the Occupation of *Robert Smith*; one other Messuage or Tenement the Property of the said *John Martin* and *Mary* his Wife, and now or late in the Occupation of *Joseph Tovey*; one other Messuage or Tenement, the Property of the said *John Martin* and *Mary* his Wife, now or late in the Occupation of *William Dovey*; one other Messuage or Tenement, now or late the Property of *William Moore* Liquor Merchant, and now or late in the Occupation of *Thomas Phillips*; one other Messuage or Tenement, the Property of *Hannah Mew* Widow, and now or late in the Occupation of *Charles Wilkes*; one other Messuage or Tenement, the Property of the said *William Moore*, and now or late in the Occupation of *William Price*; a Storehouse, belonging to the said *William Moore*, and now or late in the Occupation of *William Jordan*; another Storehouse, the Property of *William Martin*, *Samuel Barnes*, and *John Maccapen Barnes*, or some or one of them, and now or late in the Occupation of *Georgé Hammerton* and *William Jordan*; another Storehouse, belonging to the said *William Martin*, *Samuel Barnes* and *John Maccapen Barnes*, or some or one of them, and now or late in the Occupation of *John Moore*; all which said Messuages or Tenements and Buildings, are situate on the South Side of the said Lane called *The Key Lane*; and also another Messuage or Tenement, now or late the Property of *John Palin*, and in his own Occupation, situate on or near the South Side of the said Bridge called *The Key Bridge*, for the Purchase of the said

Power to purchase certain Buildings.

[Loc. & Per.]

13 E

Messuages,

Corporations, &c empowered to treat:

Messuages, Tenements, Buildings, and Premises, and the Ground whereon the same stand and are situate, and also for all Damage occasioned by taking down any such Buildings; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations 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, Guardians, Committees of Idiots and Lunatics, and Husbands, and all other Trustees whomsoever, for and on Behalf of any Infants, Females 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 seised, possessed of or interested in the said Messuages, Houses, Tenements or Hereditaments, to treat and agree with the said Trustees for the absolute Sale thereof, or of any Part thereof, or for their Interest therein, and to convey the same to the said Trustees for the Purposes of erecting the said Bridge, and the Toll Houses, Toll Gates, Weighing Machine, 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 or 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.

XXXVI. And be it further enacted, That if any Owner, Proprietor, Occupier of or other Person or Persons interested in any of the said Messuages, Houses, Tenements, or Hereditaments, or which shall be injured or damaged by the said Trustees, or any Person or Persons acting by or under the Authority of the said Trustees, 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 of Gloucester (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, Houses, 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 or 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, Houses, 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, Houses, 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 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 said County of *Gloucester*, thereby commanding and requiring him to impanel, 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 impanel, summon and return such Twenty-four Persons accordingly, and out of the Persons so impanelled, 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

Jurors may be challenged.

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

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.

Owners of Land used in making a new Road, to have the first Offer of the old Road.

XXXVII. Provided always, and be it enacted, That wherever the Course of any Road shall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchase of such old Road shall be first made to the Owner of such adjoining Land, which shall be cut and used for the Purpose of making such new Road; and in case such Owner shall be desirous of becoming the Purchaser of such old Road, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser thereof, then and in such Case the Value thereof shall be settled and ascertained by a Jury, in such and the like Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled and ascertained in and by this Act, and such Owner shall be deemed the Purchaser thereof, at the Sum to be ascertained by a Jury to the Value thereof; and in case such Owner shall refuse to pay such Money upon Demand made thereof, by the Treasurer or Clerk, to the said Trustees, and Tender of the Conveyance of such old Road, the same shall and may be recovered by the said Trustees by Action of Debt in any of His Majesty's Courts of Record; and in case any such Owner shall not agree or shall refuse to purchase any such old Road, it shall and may be lawful to and for any Person or Persons (not interested in the Premises) to make an Affidavit, to be sworn before a Master Extraordinary of the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the County or Place where such old Road shall lie, stating that such Offer has been made by or on Behalf of the said Trustees, and that such Owner has not agreed or has refused to purchase such old Road, as the Case may be, and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and not agreed to or refused by such Owner: Provided nevertheless, that if the Lands of Two or more Persons shall be taken for any such new Road as aforesaid, each and every such Owner shall be entitled to the first Offer of so much of the old Road as is lying immediately adjoining to his, her, or their Lands respectively, in Manner aforesaid: Provided also, that if such Owner or Owners respectively shall be willing and consent to take such old Road in Exchange for such new Road, it shall and may be lawful to and for the said Trustees, and they are hereby required to assure the same to such Person or Persons, by entering the same in their Books, and delivering to him or them a Copy of the Entry thereof, signed by any Five or more of the said Trustees, which Copy shall be a good and valid Title to the same, and be available in any Suit in Law or Equity.

By whom Expenses of the Jury to be paid.

XXXVIII. 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 Behalf of the said Trustees have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Messuages, Houses, Tenements or Hereditaments to be purchased as aforesaid, or for any such Right, Interest, or Property or Damage as aforesaid

aforesaid, or for less Money than shall have been offered to be accepted or taken by or on Behalf of the said Trustees, as the Purchase Money for any such old Road 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, Houses, Tenements or Hereditaments so to be purchased as aforesaid, or for any such Right, Interest or Property, or Damage as aforesaid, or for the same or any more Money than shall have been offered to be accepted or taken as the Purchase Money for any such old Road 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 such 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.

XXXIX And be it further enacted, That nothing herein contained shall extend or be construed to extend so as to enable the said Trustees to take, use, injure or damage any Dwelling House or other Buildings, or any Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a House, without the Consent of the Owner or Owners, Proprietor or Proprietors thereof, save and except the several Messuages, Tenements, Houses, Storehouses, Buildings, Hereditaments and Premises hereinbefore particularly described.

Houses, &c. not to be injured.

XL. 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 Fecftee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for and on Behalf of any Infant, Lunatic, Idiot, 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

Application of Compensation if amounting to 200l.

[*Loc. & Pér.*]

13 F

Name

Name and with the Privy 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 or 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 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 or annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said 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 Compens-  
ation, if less  
than 200l.  
and exceeding  
20l.

XLI. 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, Idiocy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privy 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 Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties)

in

in order that such Principal Money, and the Dividends arising therefrom may be applied in any 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.

XLII. 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, Houses, 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, Idiocy or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, and to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application of Compensation if less than a cle

XLIII. 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 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 other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, (mentioning and specifying for what and for whose Use the same is or are received) to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles, or if Persons cannot be found, Purchase-Money to be paid into the Bank;

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

XLIV. 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

Respecting disputed Titles.

Bank

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 or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, 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.

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

XV. Provided also, and be it further enacted, That where 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 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.

The getting Materials to repair Bridges and Roads,

XLVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Bridges, and to and for all such Persons as he or they shall respectively appoint, to search for, dig, get, gather and take away any Stone, Furze, Heath, Beach, Stone, Gravel, Sand, or other Materials for making or repairing the said Bridges, or the Avenues or Approaches thereto, out of or from any Common or Waste Ground, River or Brook, within the said Parish of *Tewkesbury*, or in any adjacent 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 to be 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, off, 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



and carried away as for the Damages 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, shall be carried, according to their respective Rights and Interests in such Ground, 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 said Borough of *Tewkesbury*, or 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 Judgment or Order of the said Justices shall be final and conclusive to all Parties.

XLVII. 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 Materials for repairing such Bridges, Avenues or Approaches, or any of them, out of or from any inclosed 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, or any Two or more Justices of the Peace acting for the said Borough, or 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.

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

XLVIII. 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 obstructing Workmen, &c.

XLIX. 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 Bridges, 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

Penalty on taking away Materials got by Surveyors.

[*Loc. & Per.*]

13 G

by

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 or 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 or 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.

L. And be it further enacted, That if any Person or Persons shall wilfully blow up, pull down or destroy the present Bridge or the said temporary Bridge, or the said new Bridge or any Pier or Piers, Arch or Arches thereof, or any Part or Parts thereof, or the Toll Houses or Toll Gates, Side Bars or Chains erected or set up or to be erected or set up upon or near the said Bridges, or any 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 by  
towing Boats  
with a Line  
thereon, &c.

LI. And be it further enacted, That if any Person or Persons shall break, throw down, injure, destroy, obliterate or deface any Table of Tolls or Post erected on any or either of the said Bridges, or on 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 shall, by or with any Line upon the said present Bridge, or of the said new Bridge or temporary Bridge, or any or either of them, tow any Trow, Barge, Boat or other Vessel through any of the said Arches thereof, or shall lash or make fast any Cord, Rope or Cable to the Ballustrades, Cornice or any other Part of the said Bridges, or any or either of them, for the Purpose of mooring or staying any Trow, Barge, Boat or other Vessel, or shall moor, stay or fasten or cause or procure to be moored, stayed or fastened any Trow, Barge, Boat or other Vessel, so as to beat against or strike the said Bridges or any 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 wilfully or negligently drive or wheel any Carriage or Barrow, or drive or ride any Horse upon the Foot Pavement of the said Bridges or any or either of them; or on the Foot Pavement of any of the Avenues leading to the same respectively, every Person offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for  
drawing Tim-  
ber or Stone  
on the Bridge,

LII. And be it further enacted, That if any Person shall haul or draw or cause to be hauled or drawn upon any Part of the said Bridge or Bridges,

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

otherwise  
than on  
Wheel Car-  
riages

LIII. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy or otherwise damage, or shall ride or drive or lead any Horse, Beast, Cattle or Carriage, over or upon any Footpath or Causeway made or to be made on the Side or Sides of any Part of the said Bridge or Bridges, or the Avenues or Approaches thereto; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Footpaths or Causeways; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Bridge or Bridges, or the Avenues or Approaches thereto, with any Instrument, so as to damage the said Bridge or Bridges or the Avenues or Approaches thereto, or any Part thereof; or 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, and 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; 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.

For prevent-  
ing Annoy-  
ances.

LIV. And be it further enacted, That from and after the passing of this Act, the said Bridge called *The Key Bridge*, and all the Stones, Timber, Iron and Materials of which the same is constructed or built, shall belong to and be the Property of, and is and are vested in the said Trustees; and it shall be lawful for the said Trustees to bring or cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment (as the Case may require) against any Person or Persons who shall steal, take, or carry away, spoil, injure or destroy the said Bridge, or the Stones, Timber, Iron and other Materials thereof, hereby vested in them as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment, it shall be sufficient to state generally that the said Bridge, Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment shall be preferred, is or are the Property of the

Old Bridge  
vested in the  
Trustees.

Trustees

When new  
Bridge built,  
old one to be  
taken down.

Trustees for building a Bridge over the River *Avon*, in the Borough of *Tewkesbury*, without particularly stating or specifying the Name or Names of all or any of the said Trustees; and when and so soon as such temporary Bridge or new Bridge shall be built and erected as aforesaid, and the same shall be safe and convenient for the Passage of Horses, Cattle and Carriages, and any Toll shall be demanded or taken for passing over such temporary or new Bridge by virtue of this Act, the said Trustees shall and they are hereby authorized, empowered and required to take down and remove the said old Bridge and the Piers thereof, and to sell and dispose of the Stones, Timber, Iron and other Materials thereof, to such Person or Persons, and in such Manner as they the said Trustees shall think proper, and the Monies arising by such Sale shall be applied and disposed of for the several Purposes of this Act.

Tolls to cease.

LV. 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, be repaid and satisfied, then and from thenceforth all the Tolls hereby imposed shall absolutely cease and determine; and the said new intended Bridge, and the Avenues and Approaches leading thereto, shall for ever thereafter be repaired and kept in Repair by such Person or Persons as shall by Law be liable to repair the same.

Actions to be  
brought in  
the Name of  
the Treasurer  
or Clerks or  
one Trustee.

LVI. 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 their 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 or 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 un-  
known Per-  
sons guilty of  
Offences.

LVII. 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, City 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.

LVIII. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act, or by virtue of the Powers thereof 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 such 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

of the Money arising by such Distress and Sale shall be returned upon Demand 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 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 Person or Persons, Bodies Politic or Corporate, who by Law will then be liable to repair the said Bridge.

LIX. 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),

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 [or, We] the said  
 do adjudge him [her or, them] 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.

LX. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Judgment 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 Ten 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 Fourteen 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 the Matter of such Appeal in a summary Way, and to make such Determination therein, and

[Loc. & Per.]

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Form of Conviction.

Appeal.

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 Tewkesbury interested in their Corporate Capacity, appeal, to be to County Sessions.

LXI. Provided also, and be it enacted, That in case the Bailiffs, Burgeses and Commonalty of the said Borough of *Tewkesbury* 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 *Gloucester*, 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 removable 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.

LXII. 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 removable by *Certiorari*.

LXIII. And be it further enacted, That no Order, Verdict, Assessment, Judgment, or other Proceedings 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 removable 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.

LXIV. 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 any 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 Judgment shall

shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

LXV. 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 Judgment 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.

Limitation of Actions.

LXVI. And be it further enacted, That nothing in this Act contained shall prejudice or lessen the Rights, or tend or be construed to defeat or abridge the Bailiffs, Burgeses and Commonalty of the said Borough of *Tewkesbury* of any Tolls, Customs or Duties, which they are entitled unto by Charter, Prescription or otherwise.

Saving the Rights of the Corporation.

LXVII. Provided always, and be it enacted, That it shall not be lawful to and for the said Bailiffs, Burgeses, and Commonalty, to demand and take or cause to be demanded and taken any Toll or Tolls for the Passage of any Horses, Cattle or Carriages passing over the said Bridge, for and during such Time as any Toll or Tolls shall be demanded and taken for the Passage of any such Horses, Cattle or Carriages, by virtue of this Act; any Law, Custom or Usage to the contrary notwithstanding.

No Toll to be taken by the Corporation, during any payable by virtue of this Act.

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

Public Act.

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