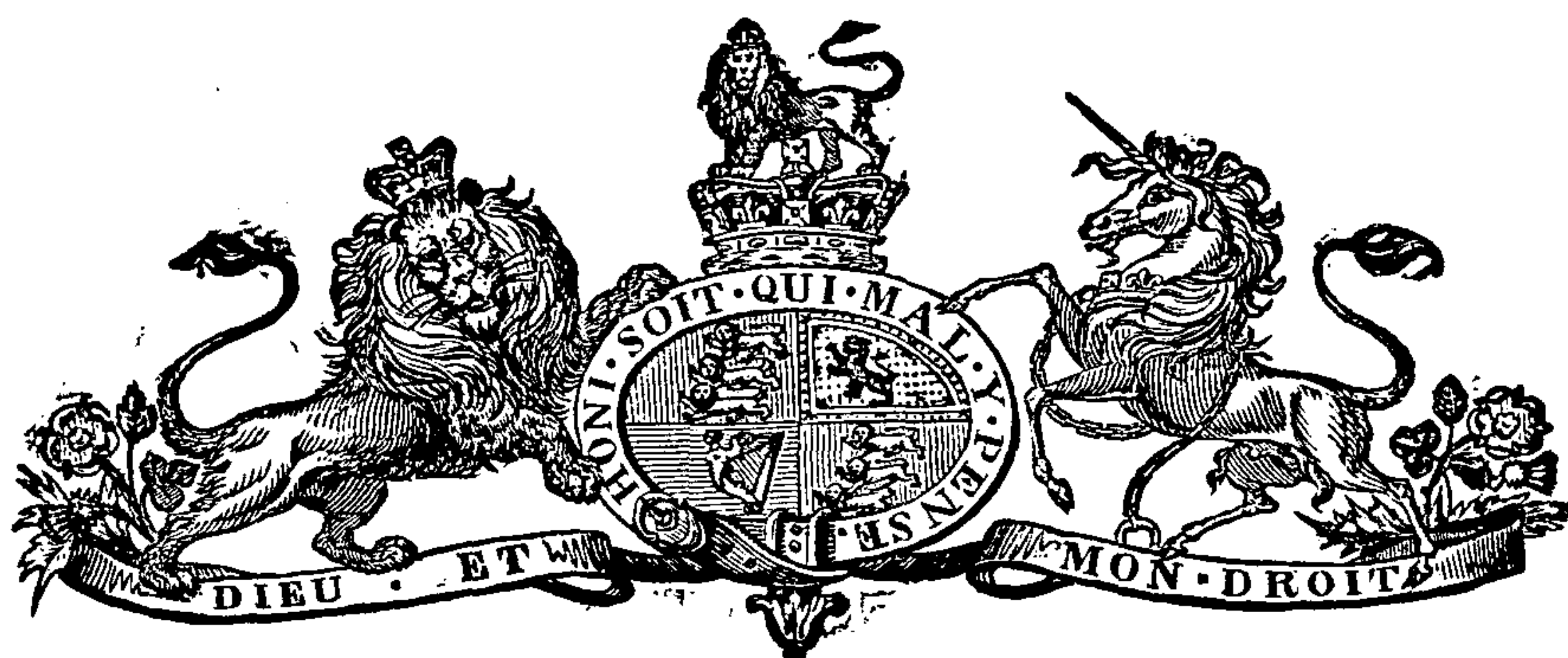




ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. cccxiv.

An Act for the making and maintaining of *Stapenhill Bridge* over the River *Trent*, near to the Town of *Burton-upon-Trent*, with Approaches thereto, and for the discontinuing of *Stapenhill Ferry* across the River; and for other Purposes.

[5th July 1865.]

WHEREAS there is an ancient Ferry called *Stapenhill Ferry* across the River *Trent* in the Township of *Burton Extra* in that Part of the Parish of *Burton-upon-Trent* which is in the County of *Stafford*, and the Township of *Stapenhill* in the County of *Derby*, or One of those Townships, and there are Roads or Ways thereto, and the Ferry and the Sites of the Roads or Ways are Part of the Settled Estates to which the Most Honourable *Henry Marquess of Anglesey* (in this Act called the Marquess) is or claims to be entitled as Tenant for Life in possession thereof; And whereas *Stapenhill Ferry* is held on a Lease now determinable with the Life of the Survivor of Two Persons aged respectively Fifty-eight Years and Sixty-one Years: And whereas *Stapenhill Ferry* affords the most direct Means of Communication for Foot Passengers between the Town of *Burton-upon-Trent* on the Left or Western Bank of the River *Trent* and *Stapenhill* and Places near thereto on the Right

[Local.]

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or

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or Eastern Bank of the River: And whereas the making and maintaining of a Bridge over the River *Trent* at or near to the Site of *Stapenhill Ferry*, with Approaches thereto, would be of local and public Advantage: And whereas it is expedient that when the Bridge is completed and open for public Traffic the User of *Stapenhill Ferry* be discontinued: And whereas (with the Exception of several small Pieces of Land required for the making of One of the Approaches by this Act authorized) the whole of the Lands to be taken for the Purposes of this Act, as well as *Stapenhill Ferry*, are Parts of the Settled Estates: And whereas the Marquess is willing and it is expedient that he be authorized to carry the Undertaking into effect, but subject to the Provisions of this Act with respect to the Trustees of the Settled Estates: And whereas the River *Trent*, although legally a navigable River to a Point about Thirty-two Chains above the Site of the intended Bridge, has long ceased to be navigable so high up as that Site, and it is not requisite that any Provision be made for protecting the Navigation of the River at or near to that Site: And whereas Plans and Sections of the intended Bridge and Works showing the Lines and Levels thereof, the Plans also showing the Lands to be taken for the Purposes of this Act, and the Books of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, have been deposited with the respective Clerks of the Peace for the Counties of *Stafford* and *Derby*, and those Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title. 1. This Act may for all Purposes be cited as "*Stapenhill Bridge Act, 1865.*"

8 & 9 Vict.
c. 18. and
23 & 24 Vict.
c. 106. incor-
porated. 2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," (save so far as any of the Sections and Provisions of those Acts respectively are expressly excepted or varied by this Act,) are incorporated with and form Part of this Act.

Interpreta-
tion "Set-
tled Estates." 3. The Expression "the Settled Estates" in this Act means such of the Lands in the several Townships of *Burton Extra* and *Stapenhill* respectively as from Time to Time are held as being Parts of the Estates in the several Counties of *Stafford* and *Derby* respectively of which the Marquess now is or claims to be Tenant for Life in possession.

4. The

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4. The Expression "the Undertakers" in this Act means and includes the Marquess, his Heirs and Assigns: Provided that if by any Act passed before or after the passing of this Act any of the Trustees of the Settled Estates be authorized to become the Undertakers in the Place of the Marquess, then in accordance with the Provisions of the Act so passed that Expression shall mean and include the Trustees so authorized, their Heirs and Assigns.

"The Undertakers."

5. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context: Provided that the Word "Lands" in those Acts includes for the Purposes of this Act "Ferries" and "Ferry Rights."

Same Meanings to Words in incorporated Acts as in this Act.

6. Subject to the Provisions of this Act, the Undertakers from Time to Time may enter upon, take, and use such of the Lands shown on the deposited Plans and specified in the deposited Books of Reference as they think expedient for any of the Purposes of this Act.

Power to take Lands for Purposes of Act.

7. The Purchase Money, annual Rentcharge, or Compensation to be paid under this Act for any Lands, Ferry, or other Hereditaments Part of the Settled Estates, and the Compensation to be made under this Act for any Damage or Injury to any Lands Part of the Settled Estates, shall not be less than is determined by such able practical Surveyor as the Chairman of the Quarter Sessions for the County of *Stafford*, on the Application of the Parties interested or any of them, nominates, and the Purchase Money or Compensation shall be subject to the Provisions applicable thereto of "The Lands Clauses Consolidation Act, 1845," incorporated with this Act.

For ascertaining Compensation for Settled Lands.

8. The Powers of the Undertakers for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years after the passing of this Act.

Powers for compulsory Purchases limited.

9. Subject to the Provisions of this Act, the Undertakers from Time to Time may make and maintain the Bridge and Works by this Act authorized in the Lands shown on the deposited Plans, and specified in the deposited Books of Reference, and so far as the same are shown on the deposited Plans and Sections may make and maintain the same in the Lines and in accordance with the Levels shown thereon respectively.

Power to make and maintain Works authorized by Act.

10. If there be any Omission, Misstatement, or wrong Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, shown on the deposited Plans or specified in the deposited Books of Reference,

Errors in deposited Plans, &c. may be cor-

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rected by
Justices,
who shall
certify the
same.

Reference, the Undertakers, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands in question, may apply to Two Justices of the County in which the Lands lie for the Correction thereof; and if it appears to the Justices that the Omission, Misstatement, or wrong Description arose from Mistake they shall certify the same accordingly, and they shall in the Certificate state the Particulars of the Omission, Misstatement, or wrong Description.

Certificate of
Correction to
be deposited.

11. The Certificate of the Justices shall be in Duplicate, and One Part thereof shall be deposited with the respective Clerks of the Peace for each of the Counties of *Stafford* and *Derby*, and a Duplicate thereof with the Parish Clerk of the Parish in which the Lands in question lie, and the Certificates and Duplicate respectively shall be kept by the Clerks of the Peace and the Parish Clerk respectively with the other Documents to which the same relate, and thereupon the deposited Plans and Books of Reference shall be deemed to be corrected in accordance with the Certificate, and the Undertakers may execute the Works in accordance with the Certificate.

Power to
enter on
Lands for
Surveys and
Works.

12. The Undertakers from Time to Time may enter on the Lands in which the Bridge and Works are to be made and also on any adjoining Lands to examine and survey the same, and to ascertain and set out the Parts thereof requisite for the Execution of this Act, and may make all Walls, Arches, Culverts, Ditches, Drains, Fences, and Works, and do all Things requisite for the making, maintaining, and repairing of the Bridge and Works, doing as little Damage as may be, and making full Satisfaction to all Parties interested for all Damage so done.

Power to
get Mate-
rials.

13. The Undertakers from Time to Time may enter on any Lands lying within Seventy-five Yards from the Bridge and Approaches respectively, and may obtain therefrom Materials for making and maintaining the Bridge and Approaches, doing as little Damage as may be, and making full Compensation to all Parties interested for all Damage so done: Provided that the Undertakers shall not so enter on any House, or any Plantation attached to or belonging to a House or Park, or any planted Walk, Avenue, or Ground ornamentally planted, without in every Case the previous Consent of the Owner and Occupier thereof.

Works au-
thorized by
Act.

14. The Bridge and Works by this Act authorized comprise the following; that is to say,

(a.) A Bridge over the River *Trent*, with Approaches thereto, commencing in the Township of *Burton Extra* in that Part of the Parish of *Burton-upon-Trent* which is in the County of *Stafford*, and terminating in the Township of *Stapenhill*

in

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in the County of *Derby*, which Bridge and Approaches will be made in *Burton-upon-Trent* Parish, *Burton-upon-Trent* Township, and *Burton Extra* Township, in the County of *Stafford*, and the Parish of *Burton-upon-Trent* and the Parish and Township of *Stapenhill* in the County of *Derby* :

- (b.) All necessary and convenient Ways and Approaches from and out of the Bridge and Approaches in those Townships and Parishes, or some of them, to communicate with Buildings and Lands adjoining or near thereto :
- (c.) All such Piers, Abutments, Walls, Embankments, and other Works and Conveniences for the Purposes of or in connexion with the Bridge and other Works.

15. The Land Arches or Openings on either Side of the Bridge shall be Parts of the Bridge.

Land
Arches
Parts of
Bridge.

16. For the Purposes of this Act the Undertakers from Time to Time may, within the Limits of Deviation shown on the deposited Plans, dig and make proper Foundations in the River *Trent* and in the Lands on each Side thereof, and make Dams in the River during the making or repairing of the Bridge, and cut, level, embank, and secure the Banks of the River, and cut, remove, scour, take, and carry away all Trees, Roots of Trees, Beds of Gravel, Sand, Mud, and other Impediments in the River, and execute all other Works necessary or convenient for making, maintaining, and repairing the Bridge and Approaches.

Incidental
Works.

17. In making the Bridge and Works the Undertakers may deviate from the Lines thereof shown on the deposited Plans to any Extent within the Limits of Deviation shown thereon.

Power to
deviate
laterally
within
Limits of
Deviation on
Plans ;
but not into
Lands not
mentioned in
Book of
Reference,
without
Consent.

18. Provided that no such Deviation shall extend into the Lands of any Person whose Name is not stated in the Books of Reference without his previous Consent, unless his Name is omitted by Mistake, and the Fact that the Omission proceeded from Mistake be certified as by this Act is in that Behalf provided.

19. In making the Bridge and Works the Undertakers may deviate from the Levels thereof shown on the deposited Sections to any Extent not exceeding Three Feet.

Power to
deviate
vertically
from Levels
on Sections.

20. The Inclination of the Road over the Bridge, and of so much of any Approach thereto as is made or altered under this Act by the Undertakers, shall not be steeper than One Foot in Thirty Feet.

Inclination
of Road
over Bridge.

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Construction
of Bridge
and Works.

21. The following Provisions shall be in force with respect to the Bridge and Works; (that is to say,)

The Bridge shall be made in Three Portions:

1. Five Spans of Fifty Feet each over the Main or Eastern Stream near *Stapenhill*;
2. Two Spans of Twenty-five Feet each and Twelve Spans of Fifteen Feet each in the Meadows midway between *Burton* and *Stapenhill*; and
3. Five Spans of Fifty Feet each over the Western Stream running by the *Fleet Stones* on the *Burton* Side of the Valley:

The Height of all the Arches or Openings at the Centre above the Level of the River is Nine Feet Six Inches:

The Bridge shall have a clear Width between the Parapets thereof of at least Twenty-six Feet:

The Approaches at each End of the Bridge shall have a clear Width between the Parapets of Thirty Feet:

There shall be a Footway of the clear Width of at least Nine Feet on One Side of the Approaches and over the Bridge for the whole Length thereof:

There shall be a proper and sufficient Parapet on each Side of the Bridge, and a proper and sufficient Parapet or Fence on each Side of each of the Approaches:

The Height of the Parapet or Fence shall be at least Four Feet.

River not
to be ob-
structed.

22. During the making and repairing of the Bridge, and the Works connected therewith, the Undertakers shall take all Precautions and provide all Works and Conveniences proper and sufficient for keeping the Flow of Water in the River *Trent* free from all Obstruction, except only such Obstruction as is unavoidable, and if and whenever the Undertakers make or occasion any Obstruction they shall make to all Persons interested full Compensation for all Loss, Damage, or Injury thereby occasioned.

Period for
Completion
of Works.

23. The Bridge and Approaches shall be completed within Five Years after the passing of this Act, and on the Expiration of that Period the Powers of the Undertakers for making the same, or otherwise in relation thereto, shall cease to be exercised, except with respect to so much thereof as is then completed: Provided that, notwithstanding the Expiration of that Period, the Undertakers from Time to Time may repair, rebuild, improve, and maintain such of the Works as they execute within that Period.

Bridge to be
public but
not County
Bridge.

24. From and after the Completion of the Bridge and Approaches they shall be deemed a public Bridge and public Highways, and, subject to the Provisions of this Act, all Persons, with or without Horses,

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Horses, Animals, and Carriages, shall have free Liberty on Payment of the Tolls by this Act granted to pass over the same without any Interruption; but the Bridge shall not be deemed a County Bridge, so as to make the Counties of *Stafford* and *Derby*, or either of them, liable to repair, light, or watch the same, or any Part thereof.

25. After the opening of the Bridge for public Traffic the Undertakers may stop up and prevent all Passage along the Road or Way leading from *Green Street* to *Stapenhill Ferry*, and every other Road or Way leading to the said Ferry within the Limits of Deviation shown on the deposited Plans, and no new Ferry across the River shall be established or used at any Place within a Distance of Half a Mile measured in a straight Line from either Side of the Bridge; and if any Person, Animal, or Carriage pass across the River within such Distance of Half a Mile from the Bridge with Intent to evade Payment of the Toll to be demanded and taken for the passing of the Person, Animal, or Carriage over the Bridge, every such Passenger, and every Person having Charge of the Animal or Carriage, shall for every such Offence forfeit not exceeding Five Pounds.

Fords to be disused.

26. If and whenever after the Bridge is completed the Passage over it becomes dangerous in consequence of Accident or Damage, or it is considered desirable to alter or repair or rebuild the Bridge, or any Part thereof, the Undertakers may and shall, during the Time necessary for altering, repairing, or rebuilding the Bridge, or any Part thereof, provide a sufficient Ferry over the River, and may demand and take in respect of the Ferry such Tolls as are by this Act authorized to be taken for passing over the Bridge.

Ferry Boats in case of Accident to Bridge.

27. When the Bridge is opened for public Traffic the Undertakers from Time to Time may set up such Toll Gates at or upon the Bridge and Approaches, and remove the Toll Gates, and set up others instead thereof, as they think fit, and from Time to Time may provide and maintain such Toll Houses and other Conveniences near to the Toll Gates as they think fit.

Power to provide Toll Gates and Toll Houses.

28. The Undertakers from Time to Time may demand and take for Persons, Animals, and Carriages from Time to Time passing over, along, or upon the Bridge and Approaches, or any Part thereof respectively, any Tolls not exceeding the following; (that is to say,)

Power to take Tolls for passing over Bridge and Approaches.

(a.) For every Horse or other Beast drawing any Coach, Stage Coach, Omnibus, Van, Caravan, Sociable, Berlin, Landau, Brougham, Clarence, Chariot, Vis-à-vis, Barouche, Phaeton, Chaise Marine, Calèche, Curricule, Chair, Gig, Dog Cart, Irish Car, Whiskey, Buggy, Hearse, Litter, Chaise, or any like Carriage, Sixpence :

(b.) For

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- (b.) For every Horse or other Beast drawing any Waggon, Wain, Cart, or other like Carriage, or any agricultural or other Machine or Implement, Fourpence :
- (c.) For every Horse or Mule, laden or unladen, and not drawing, One Penny and One Halfpenny :
- (d.) For every Ass, laden or unladen, One Halfpenny :
- (e.) For every Ass drawing or carrying more than One Person, One Penny :
- (f.) For every Ox, Cow, Bull, or Neat Cattle, One Penny ; but so that where there are more than One passing together the Toll shall be Three Farthings each, except only so far as One Penny is requisite for avoiding a Fraction of a Halfpenny :
- (g.) For every Calf, Pig, Sheep, or Lamb, One Halfpenny, or for a Score, Eightpence :
- (h.) For every Carriage drawn or propelled by Steam or any Means other than Animal Power, such Tolls as are authorized by " The Locomotive Act, 1861 :"
- (i.) For every Foot Passenger not being the Driver of and engaged in driving or leading any Waggon, Wain, Cart, or other like Carriage passing over the Bridge, One Halfpenny :
- (j.) For every Person riding in or upon any Waggon, Wain, Cart, or other like Carriage, and not being the Driver of and engaged in driving or leading the same, or riding upon any Horse or Beast drawing any Waggon, Wain, Cart, or other like Carriage, One Halfpenny.

Tolls vested
in Under-
takers.

29. The Tolls by this Act granted are by this Act vested in the Undertakers as their own Property.

Exemptions
from Tolls.

30. Provided that no Tolls shall be demanded or taken—

- (a.) For any Horse or Carriage attending Her Majesty, or any of the Royal Family, or returning after having so attended :
- (b.) For any Horse, Beast, or Carriage of whatever Sort employed in conveying or guarding Mails of Letters or Expresses under the Authority of Her Majesty's Postmaster General, either when employed in conveying or guarding the Mails or Expresses, or returning from conveying or guarding the same :
- (c.) For any Soldier or Marine upon March or upon Duty, or for any Officer or Man in Her Majesty's Navy or Coastguard Service on Duty :
- (d.) For any Horse, Animal, or Carriage attending Soldiers or Marines, or any Officers or Men in Her Majesty's Navy or Coastguard Service, with their Arms and Baggage, or returning after being so employed :

(e.) For

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- (e.) For any Waggon, Wain, Cart, or other Carriage whatsoever, or any Horse or other Animal drawing the same, employed in conveying any Naval, Victualling, Ordnance, or Commissariat or other public Stores of or belonging to Her Majesty, or to or for the Use of Her Majesty's Sea, Land, or Coastguard Forces :
- (f.) For any Militia or Volunteers dressed in the Uniforms of their respective Corps on their March, or in going or returning from the Place appointed for and on the Days of Exercise :
- (g.) For any Horse furnished by or belonging to any Corps of Yeomanry or Volunteer Cavalry, and ridden by them dressed in the Uniforms of their respective Corps in going to or returning from the Place appointed for and on the Days of Exercise :
- (h.) For any Horse, Cart, or Waggon employed only in carrying or conveying any Vagrant sent by any legal Warrant, or returning empty after being so employed.

31. The Bridge shall not be opened for public Traffic unless and until *Stapenhill Ferry*, and all Ferry Rights with respect to the River *Trent* within the Limits of Deviation shown on the deposited Plans, be vested in the Undertakers, with Power to appropriate the same for the Purposes of this Act: Provided that the Purchase (if any) shall be evidenced by a Deed of Conveyance, in which the Consideration for the same is fully and truly set forth, and the Deed shall be stamped with the full and proper Stamp Duty in respect of the Consideration so expressed.

Tolls not to be taken till Stapenhill Ferry acquired.

32. After any Toll Gate is provided under this Act, the Undertakers shall put up, and afterwards continue at every such Toll Gate, a Table printed in distinct and legible Black Letters with White Ground, and affixed to a Board, containing a List distinguishing the several Tolls to be paid by virtue of this Act, and the Exemptions from the Tolls, and shall renew the Boards whenever any of the Letters or Figures thereon are worn out, defaced, or obliterated ; and the Undertakers shall not demand or take at any Toll Gate any Toll while the Table is not so affixed to the Toll Gate, except during such Time as is reasonably necessary for renewing or repairing the Table.

Table of Tolls and Exemptions to be put up.

33. The Tolls may be demanded and taken at the Toll Gates from Time to Time provided under this Act by such Persons as are from Time to Time appointed under this Act to be the Toll Collectors.

Tolls to be taken by Toll Collectors.

34. The Tolls shall be paid before any Person, Animal, or Carriage shall be entitled to pass or repass through any Toll Gate, Payment of Tolls.

[Local.]

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provided

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provided, that only One full Toll shall be demanded or taken for every Time of passing or repassing over, along, or on the Bridge and Approaches, or any Part thereof; provided that no more than Two full Tolls shall be taken for the passing or repassing in any one and the same Day, except in the Case of Foot Passengers, who shall pay the said Toll of One Halfpenny for each Time of passing and repassing as aforesaid.

Power to
alter Tolls.

35. The Undertakers from Time to Time may reduce all or any of the Tolls for such Time as they think proper, and again raise all or any of the Tolls, but so that the Tolls never exceed the Amount by this Act limited, and the Tolls whatever be their Amount shall be collected, recovered, and applied as is by this Act provided.

Tolls to be
charged
equally.

36. The Tolls shall at all Times be charged equally and after the same respective Rate upon all Persons and in respect of all Animals and Carriages of whatever Sort, and no Reduction or Advance of Tolls shall either directly or indirectly be made partially or in favour of any particular Person, but every such Reduction or Advance shall take effect with Right to all Persons and to all Animals and Carriages of the same respective Sort.

Power to
stop Persons
failing to
pay Toll,
and to seize
and distrain
Horses, &c.

37. If any Person subject under this Act to the Payment of any Toll, after Demand made thereof by any Collector appointed to receive the same, fail to pay the Toll, the Collector by himself, or taking such Assistance as he thinks necessary, may stop and prevent the Passage of the Person so failing, and may seize and distrain the Horse or Animal in respect of which the Toll is payable, with their Bridles, Saddles, Gear, Harness, and Accoutrements (except the Bridle or Reins of any Horse or Animal separate from the Horse or Animal), and any Carriage drawn by the Horse or Animal.

Sale of Dis-
tress for
Tolls.

38. If the Toll and the reasonable Charges of the Distress be not paid within Three Days after the Distress, the Person so distraining may and shall sell all or any Part of the Animals, Carriages, and Chattels so distrained, returning the Overplus, if any, of the Proceeds of the Sale, after deducting the Toll and the reasonable Charges of the Distress and Sale, and what, if any, remains unsold, upon Demand, to the Person appearing to the Undertakers to be the Owner thereof.

For settling
Disputes
concerning
Tolls and
Distresses.

39. If and whenever any Dispute arises respecting the Amount of Toll due, or the Charges of making, keeping, or selling any Distress for Nonpayment of Toll, the Person distraining may retain the Distress or the Money arising from the Sale thereof until the Amount of the Toll due, and of the Charges, be ascertained by a Justice or Justices, who, on Application made to him or them for the Purpose,
may

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may determine the Matter in dispute, and may also award such Costs to be paid by either Party to the other Party as to the Justice or Justices seem reasonable.

40. The Undertakers from Time to Time may lease the Tolls for such Period, not exceeding Three Years, and on such Terms and Conditions, as they think fit, and during the Continuance of the Lease the Lessees shall be deemed Collectors of the Tolls so leased, and shall have the same Powers for collecting and recovering the Tolls leased, and be subject to the same Rules, Duties, and Penalties in reference thereto, as if they were Toll Collectors appointed under this Act.

Power to
lease the
Tolls.

41. On the Determination of any Lease of the Tolls any Justice, on Application made by the Undertakers, may order any Constable with proper Assistance to enter in the Daytime any Toll House, Office, or other Building, and remove therefrom the Lessees or other Persons found therein, with their Goods, and take possession of the Toll House, Office, or Building, with its Appurtenances, and of all Property of the Undertakers found therein, and deliver the same to the Undertakers, or to any Person appointed by them to receive the same, and the Order shall be binding on all Persons interested, and shall be obeyed accordingly.

Removal of
Lessees on
Determina-
tion of
Lease.

42. The Undertakers, or during any Lease of the Tolls the Lessees thereof, from Time to Time may appoint such fit Persons as the Undertakers and the Lessees respectively think proper to be the Collectors of the Tolls by this Act granted, and every Person so from Time to Time appointed Toll Collector may demand and take Tolls accordingly.

Appoint-
ment of Toll
Collector.

43. If and whenever any Toll Collector dies, or fails to perform or becomes incapable of performing his Duty, or absents himself, the Undertakers or the Lessees of the Tolls may remove the Toll Collector so in default, and may appoint some fit Person to be Toll Collector in the Stead of the Toll Collector deceased or so in default.

Removal of
Toll Col-
lector.

44. A Certificate in Writing under the Hands of the Undertakers or the Lessees of the Tolls, or their respective Agent, of the Appointment or Removal of any Toll Collector, shall for all Purposes be sufficient Evidence of the Fact thereby certified.

Evidence of
Appoint-
ment and
Removal of
Toll Col-
lector.

45. If whenever any Toll Collector so removed, or the Wife, Widow, or any of the Family or other Representatives of any Toll Collector deceased or so removed, or any other Person having the Possession of any Toll House, Office, or other Building or Property

Power to
obtain from
Toll Col-
lector re-
moved, &c.
Possession of
of

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Toll House,
&c.

of the Undertakers, fail for Two Days after Demand in Writing, under the Hand of the Undertakers or the Lessees of the Tolls, or their respective Agent, and given to the Toll Collector, or to any such Person, or left at the Toll House, Office, or Building, to deliver up Possession thereof as so demanded, any Justice, on Application made by the Undertakers or the Lessees of the Tolls, may order any Constable with proper Assistance to enter in the Daytime the Toll House, Office, or Building, and remove therefrom all Persons found therein, with their Goods, and take possession of the Toll House, Office, or Building, with its Appurtenances, and of all Property of the Undertakers or the Lessees found therein, and deliver the same to the newly appointed Toll Collector, or to the Undertakers or the Lessees, or to any Person appointed by them respectively to receive the same, and the Order shall be binding on all Persons interested, and shall be obeyed accordingly.

Toll Col-
lector to
place his
Name on
Toll House.

46. Every Toll Collector shall place his Christian and Surname painted on a Board in legible Characters on the Front or some other conspicuous Part of the Toll House or Toll Gate immediately on his coming on Duty, and shall continue the same so placed during the whole Time that he is on Duty, and every Letter of the Names shall be at least Two Inches in Length, and of a Breadth in proportion, and painted in Black Letters on a Board with a White Ground.

Penalty for
Offences by
Toll Col-
lector.

47. If any Toll Collector commit any of the following Offences every such Toll Collector so offending shall for every such Offence forfeit not exceeding Forty Shillings ; (that is to say,) if any Toll Collector—

- (a.) Do not place the Board and continue the same so placed during the whole Time he is on Duty :
- (b.) Demand or take from any Person greater or less Toll than he is by this Act, or any Order of the Undertakers made in pursuance of this Act, authorized to demand or take :
- (c.) Demand and take Toll from any Person exempted from the Payment thereof and claiming the Exemption :
- (d.) Refuse to permit any Person to read, or in anywise hinder any Person from reading, the Inscriptions on the Board or on the Table of Tolls and Exemptions put up at the Toll Gate :
- (e.) Refuse to tell his Christian or Surname to any Person who, having paid any Toll, demands the same :
- (f.) In answer to any such Demand give a false Name :
- (g.) On the legal Toll being paid or tendered unnecessarily detain or wilfully hinder or prevent any Passenger from passing through the Toll Gate.

48. If

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48. If any Person commit any of the following Offences every Person so offending shall for every such Offence forfeit not exceeding Forty Shillings ; (that is to say,) Penalty for
damaging
Bridge, &c.
and other
Offences.

- (a.) If any Person wilfully or negligently destroy, injure, or damage any Footpath or Causeway on the Side of any Part of the Bridge or Approaches :
- (b.) If any Person ride or drive or lead any Horse, Beast, Cattle, or Carriage over or upon any such Footpath or Causeway :
- (c.) If any Person wilfully obstruct the Passage of the Bridge or either of the Approaches :
- (d.) If any Driver of any Waggon or other Carriage wilfully or carelessly break or damage any of the Posts or Stones placed for the Security of any such Footpath or Causeway :
- (e.) If any Person scrape off any Mud, Soil, or other Thing from any Part of the Bridge or Approaches so as to damage the same :
- (f.) Except in the Case of Waggon, Carts, or other Carriages during a reasonable Time for loading or unloading, standing as near as conveniently may be to the Side of the Bridge or Approach, if any Person without reasonable Cause to be allowed by the Justice who hears the Complaint leave any Waggon, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry, on or at the Side of the Bridge, or either of the Approaches, either with or without any Horse, Beast, or Cattle harnessed or yoked thereto :
- (g.) If any Person take off any Horse or other Animal from any Carriage at or near to the Bridge, or at or near to any Toll Gate, and afterwards put on the Horse or Animal after having passed the Bridge or Toll Gate, with Intent to evade and thereby evades or endeavours to evade the Payment of any Part of the Toll :
- (h.) If any Person counterfeits or alters or receives from or delivers to any other Person any Note or Ticket with Intent to evade the Payment of any Part of the Tolls :
- (i.) If any Person assault, obstruct, or hinder any Person employed in the Collection of the Tolls :
- (j.) If any Person aid or abet any Person in committing or incite any Person to commit any of those Offences.

49. The Bridge and the Toll House and Toll Gates, Works, and other Property of the Undertakers under this Act shall be deemed to be a public Bridge within the Meaning of the General Acts from Time to Time in force with respect to malicious Injuries to public Bridges. Penalty for
destroying
Bridge, &c.

[*Local.*]56 *L***50.** Where

Stapenhill Bridge Act, 1865.

Disputes as
to Damages
and Charges
to be settled
by a Jus-
tice.

50. Where any Damage or Charge is by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not otherwise provided for, the Amount, in case of Non-payment thereof or Dispute respecting the same, shall be ascertained and determined by a Justice or Justices.

Recovery
and Applica-
tion of
Penalties,
&c.

51. All Offences under this Act, and all Tolls, Charges, Penalties, Damages, and Costs imposed by or payable under this Act, or by virtue of any Byelaw or Order made in pursuance thereof, may be taken cognizance of or recovered under the Provisions with respect to summary Convictions and Orders of any Act from Time to Time in force relating to the Performance of Duties of Justices of the Peace out of Sessions in *England*; and all such Penalties shall be paid to the Undertakers, except so far as the convicting Justices award not more than One Half thereof to the Informer.

For securing
Offenders
whose
Names, &c.
are un-
known.

52. Any Constable, or any Toll Collector, or any Officer or Agent of the Undertakers, and all such Persons as he respectively calls to his Assistance, and without any Warrant other than this Act, may seize and detain any Person whose Name and Place of Abode are unknown to the Person so seizing and who commits any Offence against this Act, and may convey him before a Justice, and the Justice may deal with the Offender as if he had been duly summoned or brought by Warrant before him.

Bridge and
Approaches
in County of
Stafford.

53. The Bridge and the Approaches thereto on each Side thereof shall for all Purposes of this Act be held to be within the County of *Stafford* only.

Undertakers
to provide
an Office for
Service of
Notices on
them and
Lessees of
of Tolls.

54. The Undertakers shall provide at One of the Toll Houses provided under this Act, or at some convenient Place in the Town of *Burton-upon-Trent*, an Office for the Purposes of this Act, and shall thereat keep the Documents by this Act required to be kept by them; and all Notices to the Undertakers and the Lessees of the Tolls may be served by being delivered to them respectively personally, or by being left for them respectively at the Office.

Service of
Notices by
Under-
takers and
Lessees of
Tolls.

55. Where it is necessary for the Undertakers or the Lessees of the Tolls to serve any Summons, Demand, Notice, Writ, or other Proceeding at Law or in Equity upon any Person, the same shall be in Writing or in Print, or partly in Writing and partly in Print, and be signed by the Undertakers or the Lessees, or their respective Agent, and shall be sufficiently served by being delivered personally to the Person, or being left at his then usual or last Place of Abode or of Business in *England*, or if the Person be a Corporation, by being delivered to some Clerk or other Officer of the Corporation, or being left

Stapenhill Bridge Act, 1865.

left at the Office of the Clerk or principal Officer, or at his usual or last Place of Abode or of Business in *England*.

56. The Undertakers from Time to Time may borrow on the Security of all or any Part of their Undertaking, Bridge, Approaches, Works, Tolls, and other Property under this Act any Sums which the Undertakers require for the Purposes of this Act, not exceeding in the whole Seven thousand five hundred Pounds, and all Monies so borrowed shall be applied only for Purposes of this Act.

Power to
borrow on
Mortgage.

57. The Books of Account of the Undertakers shall at all seasonable Times be open to the Inspection and Transcription of the Mortgagees without Fee or Reward.

Inspection of
Accounts by
Mortgagees.

58. Except only as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the Estates, Rights, Interests, Powers, or Privileges of the Company of Proprietors of the River *Trent* Navigation.

Saving
Rights of
Trent Navi-
gation Com-
pany.

59. In the event of Parliament at any Time hereafter passing an Act for making the River *Trent* navigable to any Point above the Bridge, nothing in this Act shall exempt the Undertakers from any Provisions sanctioned by Parliament for the Protection of the Navigation of the River under or near to the Bridge.

Undertakers
not exempt
from Pro-
visions of
future Acts,
&c.

60. All the Costs, Charges, and Expenses of and incident to the preparing and applying for, obtaining, and passing of this Act shall be paid by the Undertakers.

Expenses
of Act.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1865.

