



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. 1.

An Act for building a Bridge over the River Trent, from *Walton upon Trent* in the County of *Derby* to *Barton under Needwood* in the County of *Stafford*. [17th May 1833.]

WHEREAS the building, erecting, and constructing a Bridge over the River *Trent*, from or near to a certain Place called *Walton upon Trent*, in the Parish of *Walton upon Trent* in the County of *Derby*, to a certain public Highway in the Township of *Barton under Needwood* in the Parish of *Tatenhill* in the County of *Stafford*, with the Appurtenances and Approaches thereto, in lieu of the present Ferry and Ford; will greatly improve the Means of Communication between several Places in the Counties of *Derby* and *Stafford* respectively, and will be the Means of opening a better, safe, and more easy Communication than at present exists between the said Counties and the several Places near and adjoining thereto, and the same Bridge will be a Work of great public Utility; but the 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 *Charles Arkwright*, *Matthew Gisborne*, *Theophilus Levett*, *James Palmer*, *Robert Taylor*, and *John Webb*, together with such other Person or Persons as shall at any Time hereafter be possessed of One or more Share or Shares as herein-after mentioned of and in the said Bridge, their respective Successors and Assigns, shall be and are hereby united into a Company for the building, erecting, and constructing the said Bridge, with the Appur-

Proprietors
incorpor-
ated.

[Local.]

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tenances

tenances and Approaches thereto, according to the Rules, Orders, and Directions herein-after expressed, and shall for that Purpose be and become one Body Corporate by the Name of "The *Walton upon Trent Bridge Company*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to purchase Lands, Ferries, Tolls, and other Hereditaments to them and their Successors, for building, erecting, and constructing the said Bridge, with the Appurtenances and Approaches thereto, and other the Purposes herein mentioned, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, subject nevertheless to the Provisions of this Act.

Power to
build the
Bridge.

II. And be it further enacted, That it shall be lawful for the said Company, or their Committee of Management for the Time being, and they are hereby authorized, by themselves, their Deputies, Agents, Officers, Workmen, Servants, or Assistants, to design and build, or cause to be built, and to complete, maintain, and keep in repair, a good and substantial Bridge, of Stone, Iron, Brick, Wood, or other durable Materials, at or near the present Ford over the River *Trent*, from or near to a certain Place called *Walton upon Trent*, in the Parish of *Walton upon Trent* in the County of *Derby*, to a certain public Highway in the Township of *Barton upon Needwood* in the Parish of *Tatenhill* in the County of *Stafford*, with the Appurtenances and Approaches thereto, and cut, and level and embank and secure the Banks thereof, and cut, remove, scour, take, and carry away all Trees, Roots of Trees, Beds of Gravel, Sand, Mud, or any other Impediment whatsoever, and do and execute all and every other Thing or Things necessary or convenient for executing the Works aforesaid: Provided always, that such Bridge shall be constructed so that the Flood of the River shall not be impeded thereby, and so as that as much Water as shall be displaced by the Abutments and Pillars shall be provided for by Excavations on other Parts of the adjoining Shores of the said River.

Company
may enter
Lands for the
Purposes of
this Act,
making
Compensation
for
Damages.

III. And whereas in executing the several Works by this Act authorized it may be necessary for the said Company, their Deputies, Agents, Officers, Workmen, Servants, and Assistants, to enter upon and take temporary Possession of some Parts of the Lands adjoining to the said Bridge, and the Appurtenances and Approaches thereto, for the Purpose of laying or depositing thereon the Earth, Clay, and other Materials which shall have been taken out in making Excavations, or of manufacturing such Clay into Bricks, or of getting and procuring Earth and Materials from such adjoining Lands, for forming Embankments or for making Bricks, or for other Purposes; but inasmuch as a Jury summoned as directed by this Act to assess a Compensation for the Damage and Injury done to such adjoining Lands by the Exercise of the Powers and Authorities by this Act granted cannot, either upon View or from Evidence, form a just Opinion of the permanent Injury which will be sustained by the Owners or Proprietors of such adjoining Lands by the Exercise of the Powers and Authorities aforesaid, until the Works shall have been completed, it is expedient that the said Company, their Deputies, Agents, Officers, Workmen, Servants, and Assistants, should be empowered to enter upon such adjoining Lands for the Purposes aforesaid, without having previously made any Payment, Tender, or Investment

ment of Money as herein is mentioned ; be it therefore enacted, That, notwithstanding any thing in this Act contained, it shall be lawful for the said Company, their Deputies, Agents, Officers, Workmen, Servants, and Assistants, and they are hereby empowered, to enter upon the Lands of any Person or Persons or Corporation whatsoever adjoining or lying near to the said Bridge and the Appurtenances and Approaches thereto by this Act authorized to be built and maintained, or any of them, or any Part thereof respectively, for the Purpose of depositing or manufacturing upon such Lands, or upon any Part thereof respectively, any Soil, Gravel, Clay, Sand, Stone, or other Materials which shall have been excavated, dug, or got in building the said Bridge, with the Appurtenances and Approaches thereto, or which may be dug or taken out of or from any Lands adjoining to the Place where the said Works shall be then carried on, and to dig, cut, get, take, remove, and carry away out of and from such adjoining Lands, or any Part thereof, any Soil, Gravel, Clay, Sand, Stone, or other Materials which can or may be got or found therein, and which may be requisite or convenient for building the said Bridge, with its Appurtenances and Approaches, and to manufacture the same, without having previously made any Payment, Tender, or Investment as herein is mentioned, they the said Company, their Deputies, Agents, Officers, Workmen, Servants, and Assistants, doing as little Damage as may be in the Exercise of the several Powers hereby granted to them, and making Compensation for such temporary Occupation of the said Lands to the Owners or Occupiers thereof ; such Compensation, in case the Parties differ about the same, to be settled and recovered in manner herein provided : Provided always, that the said Company shall and they are hereby required, within Three Calendar Months after the Expiration of the Period by this Act granted for building the said Bridge, with the Appurtenances and Approaches thereto, to make such Compensation and Satisfaction for the permanent Damage or Injury (if any) which may have been done to the said Lands by the Exercise of any of the Powers and Authorities aforesaid, in the same Manner as in this Act is directed in other Cases of permanent Damage or Loss occasioned by the said Company : Provided also, that before it shall be lawful for the said Company to make such temporary Use as aforesaid of the Lands adjoining or lying near the said Bridge, and the Appurtenances and Approaches thereto, the said Company shall and they are hereby required to give Fourteen Days Notice of such their Intention to the Owners or Occupiers of such Lands, and to separate and set apart by sufficient Railings or Fencings so much of the Lands as shall be required to be so used as aforesaid from the other Lands adjoining thereto.

IV. And whereas a Map or Plan describing the Situation of the said intended Bridge, with the Appurtenances and Approaches thereto, together with a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers of the Lands, Tenements, and Hereditaments upon, through, and over which the same is intended to be placed, hath been deposited at the Offices of the Clerks of the Peace of the said respective Counties of *Derby* and *Stafford* ; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerks of the Peace for the said Counties respectively, to the end that all Persons may, at any reasonable Time, have Liberty to inspect

Map, &c. deposited with Clerks of the Peace to remain in their Custody, and be open to Inspection.

inspect and peruse the same, and take Copies or Extracts thereof, at their Will and Pleasure, paying the respective Clerks of the Peace for the Time being the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts.

Not to deviate more than One hundred Yards from Plan.

V. And be it further enacted, That the said Company, in making the said Bridge, with the Appurtenances and Approaches thereto, shall not deviate more than One hundred Yards from the Lines or Directions in the said Map or Plan and in the said Book of Reference respectively set forth, nor carry or make the same into, through, across, or over any other Part or Parts of the several Lands and Grounds now or late belonging or reputed to belong to such Person or Persons respectively than are mentioned in the said List.

Houses, &c. not to be injured without Consent.

VI. Provided always, and be it further enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Company, in making the said Bridge, with the Appurtenances and Approaches thereto, to pull or take down, injure or damage, any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner and Occupier thereof first had and obtained.

Company may take Lands specified in Plans, notwithstanding Errors in Book of Reference.

VII. Provided also, and be it further enacted, That it shall be lawful for the said Company to make the said Bridge, with the Appurtenances and Approaches thereto, into, through, across, or over the Lands or Grounds of any Person or Persons who is or are or may be Owner or Occupier of Lands or Grounds over which the same is or are set out or described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously described or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Derby* or *Stafford* (as the Case may be), and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the County in which the Lands or Grounds respectively in which such Error shall have occurred are situated.

Company to make Satisfaction for the Value of the present Ferry.

VIII. And be it further enacted, That the said Company shall and they are hereby empowered and required to purchase and make Satisfaction and Recompence for the Value of the said present Ferry across the said River *Trent*, in lieu whereof the said intended Bridge is to be made, and the Tolls in respect of the same.

Company may treat for the Purchase of Lands, &c.

IX. And be it further enacted, That it shall be lawful for the said Company, or any Person or Persons for or on their Behalf, to treat, contract, and agree for the Purchase of any Lands, Tenements, or other Hereditaments which may be necessary for the Purposes of this Act.

Corporations and other Persons em-

X. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations

Aggregate or Sole, and for all Tenants for Life, or for Years determinable on any Life or Lives, Lessee or Lessees for Years, and Tenants in Fee Tail, General or Special, whether in Possession, Reversion, Remainder, Expectancy, or otherwise, and for all Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts or Wards, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, who are or shall be seised, possessed of, or interested in the said Ferry and Tolls, or any Lands, Tenements, or Hereditaments authorized to be taken or used, and which the said Company, or their Committee of Management, shall cause to be taken or set out for the Purposes of this Act or any of them, to contract for, sell, and convey the same, and every Part thereof, to the said Company; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit of; (that is to say,)

‘ I of in consideration of Form of Con-
‘ the Sum of to me paid by the Company of veyance.
‘ Proprietors established and incorporated by an Act of Parliament passed
‘ in the Third Year of the Reign of His Majesty King *William* the Fourth,
‘ intituled [*here set forth the Title of this Act*], do hereby grant and release
‘ to the said Company of Proprietors all [*describing the Premises to be*
‘ *conveyed*], together with all Ways, Rights, and Appurtenances thereunto
‘ belonging, and all my Estate, Right, Title, and Interest in and to the
‘ same and every Part thereof, to hold to the said Company of Pro-
‘ prietors and their Successors for ever, according to the true Intent and
‘ Meaning of the said Act. In witness whereof I have hereunto set my
‘ Hand and Seal this Day of in the Year of
‘ our Lord

All which said Contracts, Agreements, Conveyances, and Assurances shall be kept by the Clerk to the said Company, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons interested therein requiring the same, and shall have and receive Sixpence for every One hundred Words of each such attested Copy, and so in proportion for any less Number of Words; and every such Conveyance to be made by virtue of this Act in Manner and Form aforesaid shall be good, valid, and effectual in Law to all Intents and Purposes whatsoever, and shall operate as and be a Merger of all outstanding Terms, and a complete and effectual Bar to all Estates Tail and other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever; any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding.

XI. And whereas the said Company of Proprietors may be seised of some Piece or Pieces of Ground over and above what may be necessary for effectuating the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company from Time to Time to sell and dispose of such Piece or Pieces of Ground, together or in Parcels, either by public Sale or private Contract (as they shall find most advantageous)

[Local.]

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Company empowered to sell Ground not wanted for the Purpose of this Act.

tageous and convenient), to such Person or Persons as shall be willing to contract for and purchase the same.

Owners of
the adjoining
Lands to
have the first
Offer.

XII. Provided always, and be it further enacted, That in case the said Company shall think proper, or shall, by virtue of this Act, be required, to sell and dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act, and which is not by this Act directed to be otherwise disposed of, they shall first offer the same for Sale to the Owner of the adjoining Land, and if such Owner shall then and thereupon refuse, or shall not agree, except with respect to or on account of the Price thereof, to purchase the same respectively, an Affidavit made and sworn before a Master or Master Extraordinary in Chancery, or before One of His Majesty's Justices of the Peace for the County or Place where the same shall be situate, who is hereby respectively empowered to take such Affidavit, by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Company, and that such Offer was then and there refused or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and refused, or not agreed to, by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Company shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in manner by this Act directed with respect to disputed Value of Premises to be purchased by the said Company in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as by this Act is directed with respect to such Purchases made by the said Company, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Company of such Piece or Pieces of Ground as aforesaid shall be applied for the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for the Misapplication or Nonapplication of such Money; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or Purchasers thereof, and in such Manner and Form as herein-before mentioned with respect to the Conveyances to be made of the Land wanted for the Purposes of this Act.

Satisfaction
to be made
for Lands
taken or
Damages
sustained.

XIII. And be it further enacted, That the several Bodies and Persons herein-before authorized and empowerd to contract for, sell, and convey any Lands, Tenements, or Hereditaments as aforesaid may accept and receive Satisfaction for the same, and for the Damages to be sustained by the building, erecting, and constructing the said Bridge, with the Appurtenances and Approaches thereto, herein directed and authorized to be made, as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Company or their Committee of Management; and in case the said Parties so interested in the said Lands, Tenements, or Hereditaments, or any of them, and the said Company or Committee, cannot agree as to the Amount or Value of such Satisfaction, the same shall be settled and ascertained as herein-after directed.

XIV. And

XIV. And be it further enacted, That if any such Body or Person herein-before authorized and empowered to contract for, sell, and convey any such Lands, Tenements, or Hereditaments as aforesaid cannot agree with the said Company or their said Committee of Management respecting the Purchase of the present Ferry and Tolls, or any Lands, Tenements, or Hereditaments, or the Satisfaction to be made for any Damages that may be sustained from Time to Time by him, her, or them by the building, erecting, constructing, or using of the said Bridge, with the Appurtenances or Approaches thereto, or any of the Works to be made and maintained by virtue of this Act, and shall give Notice in Writing to the Clerk of the said Company or of the said Committee, requiring a Jury to be summoned for the Purpose of determining such Purchase or Satisfaction; or if any such Body Politic, Corporate, or Collegiate, or any Person or Persons so interested or entitled as aforesaid, shall, upon Notice given in Writing by the Clerk of the said Company or Committee to the principal Officer of any such Body Politic, Corporate, or Collegiate, or to such other Person or Persons so interested or entitled as aforesaid respectively, or left at their last or usual Place or Places of Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands, Tenements, or Hereditaments to be made use of for the Purposes of this Act, for the Space of Fourteen Days next after such Notice neglect or refuse to treat or shall not agree with the said Company or their Committee, or by reason of Absence or otherwise shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment cannot treat for themselves, or make such Agreement or Agreements as shall be necessary for the Purposes aforesaid, or cannot be found or known, or shall not within the before-mentioned Space of Fourteen Days produce and fully disclose the State of the Title to the Premises which he, she, or they respectively is or are or shall be in Possession of, and the Interest which he, she, or they respectively may claim therein, or shall not produce a clear Title thereto to the Satisfaction of the said Company or Committee; then and in every such Case the said Company or Committee, or any Three or more of them, shall and they are hereby empowered and required, within Five Days after the Receipt of such Notice by the Clerk to the said Company or Committee, or after the Expiration of Fourteen Days after the Delivery of such Notice by the said Clerk (as the Case may be), to issue a Warrant under their Hands and Seals, directed to the Sheriff of the County of *Derby* or *Stafford* (as the Case may be), commanding such Sheriff to impanel, summon, and return a Jury, and the said Sheriff is hereby required accordingly to impanel, summon, and return a Jury of Forty-eight honest, sufficient, and indifferent Men, qualified according to the Laws of this Realm for the Time being to be returned for the Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff at such Time and Place as in such Warrant shall be appointed; and the said Sheriff is hereby required, out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, to swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriff shall return other honest, sufficient, and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service (being qualified as last aforesaid), to make up the said

When Parties do not agree, or cannot be found, a Jury to be impanelled.

said Jury to the Number of Twelve; and all Persons concerned shall and may have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Sheriff is hereby empowered and required, by a Summons or Notice, to be signed by such Sheriff previous to or at the Time of any such Meeting or Meetings, to call before them all and every Persons and Person who shall be thought necessary and proper to be examined as Witnesses or a Witness upon Oath touching or concerning the Premises; and the said Sheriff may order and authorize the said Jury, or any Three or more of them, either before or after they are sworn, to view the Place or Places or Matter or Matters in question, if there be Occasion, and to use all other lawful Ways and Means, as well for his own as for the Jury's better Information in the Premises, as the said Sheriff shall think fit; which Jury, upon their Oaths, (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff is hereby empowered and required to administer,) shall enquire, assess, and ascertain the Sum of Money to be paid for the Purchase of such Ferry, Tolls, Lands, Tenements, or Hereditaments, or what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners and Occupiers or other Person or Persons interested, for or on account of the taking or damaging of such Lands, Tenements, or Hereditaments for the Purposes of this Act; and after the said Jury shall have enquired of, ascertained, and settled such Damage, Recompence, and Satisfaction, the said Sheriff shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the said Company or Committee to the said Owners or Occupiers of or other Person or Persons interested in the said Ferry, Tolls, Lands, Tenements, or Hereditaments, according to such Verdict or Inquisition of the said Jury, and shall give Judgment for such Purchase Monies, Recompence, or Satisfaction to be assessed by such Jury; which said Verdict or Inquisition, Order or Judgment thereon pronounced as aforesaid, shall be signed by the said Sheriff, and shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming any Estate in Fee Simple or Fee Tail, for Life or Lives, in Possession, Reversion, Remainder, Expectancy, or otherwise, their Heirs, Successors, Executors, and Administrators, Infants, Issue unborn, Femes Covert, Persons beyond the Seas, and under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at *Westminster*, or any other Courts; any Law or Statute to the contrary thereof notwithstanding.

Penalty on Persons refusing to appear, or to be sworn on the Jury, and on Witnesses refusing to appear or give Evidence.

XV. And be it further enacted, That if any Person so impanelled, summoned, and returned as aforesaid upon such Jury shall not appear without some reasonable Excuse, or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give his Verdict, or shall in any Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act, he shall be liable and subject to the same Rules and Regulations, and to the same Pains and Penalties for such Default, as if he had been impanelled, summoned, and returned for the Trial of any Issue joined in any of His Majesty's Courts

at *Westminster*; and if any Person so summoned and required to give Evidence before the said Jury touching the Premises shall neglect or refuse to appear after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, or Expences, or shall not allege a sufficient Excuse to the said Sheriff for not appearing, or appearing shall refuse to be sworn and examined or to give Evidence, then and in every such Case every such Person so offending, upon Proof thereof made before One or more of His Majesty's Justices of the Peace for the County or Place in which the Matter or Question shall arise, upon Oath of One or more credible Witness or Witnesses, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, according to the Discretion of the said Justice; and in case any such Penalty shall not be forthwith paid, it shall and may be levied, by virtue of any Warrant under the Hand and Seal of the said Justice, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to such Person the Overplus, after such Penalty, and Charges of such Distress and Sale, shall be deducted; and every such Penalty which shall be paid by or recovered from any Person who shall be impannelled, summoned, and returned on such Jury, or to give Evidence as aforesaid, shall go and be paid to the Person or Persons who shall appear to the said Justice to be injured by the Default of such Persons.

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

For punish-
ing Persons
guilty of
Perjury.

XVII. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money as a Recompence or Satisfaction for the absolute Purchase of any Ferry, Tolls, Lands, Tenements, or Hereditaments of or belonging to any Body or Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, or to any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to any Ferries, Lands, Tenements, Hereditaments, or other Property, that had been previously offered by or on behalf of the said Company or their Committee of Management, where the Dispute is for Damages only, and where no Compensation or a smaller Sum than shall be given by such Verdict had been previously offered or tendered in respect thereof by or on behalf of the said Company or Committee, or where by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with and make Conveyances to and receive Compensation from the said Company or Committee as herein-before mentioned, then and in all such Cases all the Expences of impannelling, summoning, and returning such Jury, and taking such Verdict, shall be settled by the said Sheriff so impannelling, summoning, and returning, and taking such Verdict as aforesaid, and be defrayed by the said Company or Committee; and in case of Nonpayment thereof by the said Company or Committee for the

Expences of
the Jury.

Space of Thirty Days next after the same shall have been so settled, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company or Committee, then the said Sheriff shall and he is hereby required, by Warrant under his Hand and Seal, to levy the same by Distress and Sale of any of the Goods and Chattels of the said Company, or of any of the Goods and Chattels of the Treasurer to the said Company appointed in pursuance of this Act, (unless such Treasurer shall pay such Expences out of any Money received by him by virtue of this Act, and which he is hereby authorized to do,) rendering to the said Company or to their Treasurer (as the Case may be) the Overplus (if any), after deducting the reasonable Charges of making such Distress and Sale; but if any Verdict shall be given for the same Sum as had been previously offered by or on behalf of the said Company or Committee, or for a less Sum than had been previously offered, or for Damages where the Dispute is for Damages only, the Costs and Expences of impannelling, summoning, and returning such Jury, and taking such Verdict, shall be settled in like Manner by the said Sheriff so impannelling, summoning, and returning such Jury and taking such Verdict, and be borne and paid in the Manner following; (that is to say,) one Moiety or Half Part of such said Costs and Expences shall be borne and paid by the said Company or their Committee, and the other Moiety or Half Part thereof by the Body or Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, or other Person or Persons with whom the said Company or Committee shall have such Disputes or Controversies; which said last-mentioned Moiety of the said Costs and Expences 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 Body or Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, or other Person or Persons as aforesaid; and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; and in case no Damages shall be given by such Verdict when the Dispute is for Damages only, such Costs and Expences, after having been so ascertained and settled as aforesaid, shall and may be recovered by the said Company or by their Committee of Management by such Ways and Means as are herein provided for the Recovery of any Penalty or Forfeiture incurred by this Act.

The Value of Lands and Compensation for Damages to be assessed separately.

XVIII. And be it further enacted, That the said Sheriff and Juries respectively, in their Awards, Determinations, Adjudications, Judgments, and Verdicts concerning the Value of Lands, Tenements, and Hereditaments, shall separately and distinctly proportion off any particular Estate, Term, or Interest, and also any Damages sustained or to be sustained by any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, or any other Person or Persons whomsoever, by or in consequence of the Execution of any of the Powers of this Act, and shall assess and adjudge the Value set upon such Estate, Term, and Interest, and the Money assessed and adjudged for such Damages as aforesaid, distinct and apart from each other.

Lands to vest in the Company on Pay-

XIX. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for

for between the Parties, or assessed by such Jury in manner aforesaid, for the Purchase of any such Ferry, Tolls, Lands, Tenements, or Hereditaments, to the Person or Persons entitled to receive such Purchase Money respectively, or his, her, or their Agent or Agents, within the Space of One Calendar Month next after the same shall have been so agreed for, determined, or assessed, or upon depositing the same in the Bank of *England* in manner by this Act directed (as the Case may be) within the same Period, it shall be lawful for the said Company, or their Committee of Management, and their Agents, Workmen, and Servants, immediately to enter upon such Ferry, Lands, Tenements, or Hereditaments respectively, and then and thereupon such Ferry, Tolls, Lands, Tenements, and Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company and their Successors, to and for the Purposes of this Act for ever; and such Payment, Tender, or Deposit shall not only bar all Right, Title, Claim, Interest, or Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion, Remainder, Expectancy, or otherwise, of his, her, or their Issue, and of all and every other Person or Persons interested therein: Provided always, that nothing in this Act contained shall authorize and empower, or be construed to authorize and empower, the said Company, or their Committee of Management, or their Agents, Workmen, or Servants, or any of them, for the Purposes herein mentioned, to enter into and upon the Ferry, Lands, Tenements, and Hereditaments so to be purchased by virtue of this Act as aforesaid (except to examine and survey the same to ascertain and set out such Parts thereof as may be necessary for the Purposes of this Act as herein-before is provided), without having first legally tendered for the same such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by a Jury in the Manner herein-before directed; and in case the said Company or their Committee, or any of their Agents, Workmen, or Servants, shall for the Purposes aforesaid enter into and upon the said Ferry, Lands, Tenements, or Hereditaments, without having previously paid or otherwise legally tendered the Purchase Money for the same in the Manner herein-before directed, then and in such Case the Person or Persons making such Entry shall be deemed a Trespasser or Trespassers, and shall forfeit and pay for the doing thereof the Sum of Five Pounds.

ment of Purchase Money.

XX. And be it further enacted, That the said Judgments and Verdicts so given shall be transmitted to and be kept by the Clerk of the Peace, or other Person or Persons having the Custody of the Records of the Quarter Sessions of the County within which the same shall be taken, and shall be deposited with and be deemed to be the Records of such Quarter Sessions respectively to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to have Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and so in proportion for any greater or less Quantity of Words.

Verdicts of Juries to be recorded.

XXI. And

Application
of Compen-
sation when
amounting to
or exceeding
200^l.

1 G.4. c.35.

XXI. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of or for Damages to be done to any Ferry, Tolls, Lands, Tenements, or Hereditaments purchased, taken, or used, injured or damaged, by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Bodies Politic, Corporate, or Collegiate, or to any Person being under any Disability or Incapacity whatsoever as aforesaid, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of His Majesty's Court of Exchequer, to be placed to his Account there *ex parte* "The *Walton upon Trent Bridge Company*," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; 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 Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the said Ferry, Tolls, Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Ferry, Tolls, Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, 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 Ferry, Tolls, Lands, 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 meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less
than 200^l.
and exceed-
ing 20^l.

XXII. And be it further enacted, That if any Money so agreed or awarded to be paid for any Ferry, Tolls, Lands, Tenements, or Hereditaments purchased, taken, or used, injured or damaged, for the Purposes

poses aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Bodies, Person or Persons, for the Time being entitled to the Rents and Profits of the said Ferry, Tolls, Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid at the like Option to Two Trustees, to be nominated by the Body or Bodies, Person or Persons, making such Option, and approved of by the said Company or their Committee of Management, (such Nomination and Approbation to be signified in Writing under the Hands and Seals of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, as far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

XXIII. And be it further enacted, That when such Money so agreed or awarded to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Bodies, or Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Ferry, Tolls, Lands, Tenements, or Hereditaments so purchased, taken, or used, injured or damaged, for the Purposes of this Act, in such Manner as the said Company shall think fit; or in case of Infancy, Idiotcy, or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

When less than 20^l.

XXIV. And be it further enacted, That in case the Body or Bodies Politic, Corporate, or Collegiate, or Person or Persons, to whom any Sum or Sums of Money shall be awarded for the Purchase of any Ferry, Tolls, Lands, Tenements, or Hereditaments to be purchased by virtue of this Act for the Purpose of the said Bridge, with the Appurtenances and Approaches thereto, or any of them, shall refuse to accept the same, or to execute a proper Conveyance or Conveyances, or shall not be able to make a good Title to the said Premises to the Satisfaction of the said Company or their Committee, or in case the Person or Persons to whom any such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons so entitled to such Ferry, Tolls, Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Committee of Management, or any Three or more of them, to order the Sum and 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 said Court of Exchequer, to be placed to his Account to the Credit of the Party or Parties interested in the said Ferry, Tolls, Lands, Tenements,

Directing how Monies are to be paid in case Parties refuse the same, or cannot make good Title, or cannot be found.

ments, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Body or Bodies, Person or Persons, making claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Body or Bodies, Person or Persons making claim thereunto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons who shall pay any such Sum or Sums of Money into the Bank of *England*.

In case of doubtful Title, the Person in possession to be deemed presumptively entitled.

XXV. And be it further enacted, That where any Question shall arise touching the Title of any Body or Bodies, Person or Persons, to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of or in Satisfaction for any Ferry, Tolls, Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Ferry, Tolls, Lands, Tenements, or Hereditaments to be purchased, taken, or used, damaged or injured, in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interests of any such Bank Annuities, the Body or Bodies, Person or Persons, who shall have been in possession of the Ferry, Tolls, Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under them, or under the Possession of any such Body or Bodies, Person or Persons, shall be deemed and taken to have been lawfully entitled to such Ferry, Tolls, Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased by such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful one, and that some other Person or Persons was or were lawfully entitled to such Ferry, Tolls, Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XXVI. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Ferry, Tolls, Lands, 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 Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such

Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company, or their Committee of Management, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XXVII. And be it further enacted, That every Tenant at Will or Lessee for a Year, or from Year to Year, or for Years, shall deliver up the Possession of the Lands, Tenements, and Hereditaments he, she, or they shall respectively hold, to the said Company, or to their Committee of Management, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Six Calendar Months Notice to quit such Possession from the Clerk to the said Company; and the Person or Persons in possession shall, at the End of the said Six Calendar Months, whether such Notice be given with reference to the Time or Times of such Tenant's holding or not, or so soon after as he, she, or they shall require, peaceably and quietly deliver up the Possession of the said Premises to the said Company or their Committee of Management, or to such Person or Persons authorized by them to take Possession thereof, such Authority being signified under the Hands of the said Committee of Management, or any Three or more of them, they the said Company making such Satisfaction or Compensation to every such Tenant or Lessee, or other Person or Persons in possession as aforesaid, in case he, she, or they shall be required to quit before the Expiration of his, her, or their current Year in the Premises, as the said Company shall deem just and reasonable; and if any Dispute shall arise touching the Amount of such Satisfaction and Compensation, then and in such Case the same shall be settled and ascertained by a Jury in such and the like Manner as the Satisfaction and Compensation to be made for the Purchase of any Lands, Tenements, or Hereditaments is hereinbefore directed to be settled and ascertained in case of any Dispute or Difference about the same; and in case any such Person or Persons so in possession as aforesaid shall refuse to give such Possession as aforesaid, all reasonable Satisfaction being first made or tendered, it shall be lawful for the said Committee, or any Three or more of them, to issue their Precept or Precepts to the Sheriff of the said County of *Derby* or *Stafford* (as the Case may be) to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Tenants at Will to deliver Possession at Six Months Notice.

XXVIII. And be it further enacted, That it shall be lawful for the said Company to raise and contribute among themselves any Sum or Sums of Money for building the said Bridge and other the Purposes of this Act, not exceeding in the whole the Sum of Five thousand five hundred Pounds.

Company may raise Money among themselves.

XXIX. And whereas the probable Expence of building the said Bridge, with the necessary Appurtenances and Approaches thereto, will, according to an Estimate made thereof, amount to the Sum of Five thousand

The whole of the Money to be subscribed be-

fore the Act shall be put in force.

sand five hundred Pounds, and the Sum of Four thousand five hundred Pounds (being more than Four Fifths of such Expences) has already been subscribed for defraying such Expences, by several Persons, under a Contract, binding them, their Heirs, Executors, and Administrators, for Payment of the several Sums so subscribed by them respectively; be it therefore further enacted, That the whole of the said Sum of Five thousand five hundred Pounds shall be subscribed in like Manner before any of the Powers and Provisions given by this Act shall be put in force.

The Capital to be divided into Shares.

XXX. And be it further enacted, That the said Sum of Money shall be divided into Shares of Ten Pounds each, which shall be numbered in regular numerical Progression, and every Share shall for ever afterwards be distinguished by the Number to be appointed for the same, and the said Shares shall be and are hereby vested in the Persons by whom the same respectively shall have been subscribed, and their respective Executors, Administrators, and Assigns; and every Proprietor of a Share or Shares shall be entitled to and interested in the Capital Stock of the said Company, and of the Profits and Advantages that may arise and accrue by the Tolls and other Monies to be collected and received by virtue of this Act, in manner herein-after mentioned.

Shares to be deemed Personal Estate.

XXXI. And be it further enacted, That all such Shares in the said Undertaking, and in the net Profits and Advantages thereof, shall be deemed Personal Estate, and not of the Nature of Real Property, and as such Personal Estate shall be transmissible accordingly.

Subscribers to pay their Subscriptions as called for by the Committee of Management.

XXXII. And be it further enacted, That the respective Persons who have subscribed or who shall hereafter subscribe or advance any Money for or towards the Purposes of this Act, or shall be Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Bridge, shall be, and he, she, and they is and are hereby required to pay the Sum or Sums by them respectively subscribed, or such Parts and Proportions thereof as shall from Time to Time be called for by the Committee of Management, by virtue of and agreeably to the Powers and Directions of this Act, at such Times and Places and in such Manner as shall be directed by the said Committee of Management; and in case any such Subscriber shall neglect or refuse to pay the same at the Time, Place, or in Manner so required for that Purpose, the said Company are hereby empowered to sue for and recover the same in any of His Majesty's Courts of Law or Equity whatever; but no Subscriber shall be liable to pay more than the Amount of his or her Subscription, and the Expences of recovering and enforcing the Payment thereof.

Names of Proprietors and Numbers of their Shares to be entered in a Book, and Certificates delivered to them.

XXXIII. And be it further enacted, That the said Company shall and they are hereby required, at their First or at some subsequent General Meeting, as soon as conveniently may be, to cause the Names and proper Additions of the several Persons who shall be then entitled to any Share or Shares in the said Bridge, with the Number of Shares which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book or Books to be kept by the Clerk of the said Company; and after such Entry made to cause their Common Seal to be affixed thereto, and shall

shall also cause a Certificate or Instrument, with the Common Seal of the said Company affixed thereto, to be delivered to every such Shareholder, on Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Bridge, or a Certificate for each separate and distinct Share, in case any Proprietor of more than One Share shall request the same; and such Certificate or Instrument shall be admitted in all Courts whatsoever as *primâ facie* Evidence of the Title of such Subscriber, his, her, or their Executors, Administrators, and Assigns, to the Share or Shares therein specified, but the Want of such Certificate or Instrument shall not hinder or prevent the Owner or Proprietor of any Share or Shares from selling or disposing thereof; and in case any such Certificate or Instrument shall become defaced, worn out, or damaged, or shall be ascertained to have been lost or destroyed, then and in such Case another Certificate shall be made out and entered by the Clerk aforesaid.

XXXIV. And be it further enacted, That it shall be lawful for the said several Proprietors, his, her, or their respective Executors, Administrators, and Assigns, to sell or dispose of any Share or Shares he, she, or they may be entitled to in the said Bridge, subject to the Rules and Conditions herein contained; and every Transfer of any Share or Shares shall and may be in the Form or to the Effect following; (that is to say,)

Shares may be sold.

‘ I *A. B.*, in consideration of the Sum of _____ paid
 ‘ to me by *C. D.*, do hereby bargain, sell, and transfer to the said
 ‘ *C. D.*, his, her, or their Executors, Administrators, and Assigns, all
 ‘ that my Share [*or those my Shares, as the Case may require*], num-
 ‘ bered _____ of and in the Bridge over the River *Trent* called
 ‘ the *Walton upon Trent Bridge*, with the Appurtenances, to hold to
 ‘ the said _____ his, her, or their Executors, Adminis-
 ‘ trators, and Assigns, subject to the same Rules and Orders and on the
 ‘ same Conditions that I now hold the same; and I the said
 ‘ do accept the said Share [*or Shares*], subject to the same Rules, Orders,
 ‘ and Conditions. Witness our Hands and Seals the
 ‘ Day of _____

Form of Transfer.

And every such Transfer shall be produced to the Clerk of the said Company, and shall be registered by him in the Books of the said Company, for which the Sum of Two Shillings and Sixpence shall be paid by the Person so requiring such Transfer to such Clerk, and no more; and the Registry thereof shall specify the Date of such Transfer, the Names of the Parties, and the Number or Numbers by which the Share or Shares transferred is or are distinguished; and a Copy of such Register, signed by the said Clerk, shall be sufficient Evidence of such Transfer, and be received and admitted as such; and until such Transfer shall be registered in the Books of the said Company, no Purchaser or Purchasers of any Share or Shares, or his, her, or their Executors, Administrators, or Assigns, shall be deemed a Proprietor, or have any Part of the Profits or Advantages arising from the said Bridge, nor shall receive any Interest or Dividends for or in respect of such Share or Shares so purchased, nor be entitled to vote at any Meeting or Meetings as a Member or Members of the said Company, in respect of such Share or Shares, until the

Transfers to be registered.

Expiration of One Calendar Month after such Transfer shall have been registered.

No Shares to be sold after a Call till the Money is paid.

XXXV. And be it further enacted, That after any Call of such Monies shall be made by Authority of this Act, no Person or Persons shall sell or transfer his, her, or their Share or Shares in the said Bridge until the Monies so called for upon his, her, or their respective Share or Shares so to be sold shall be paid; and until such Money so called for shall be paid every such Sale or Transfer of any Share or Shares shall be void; and all and every Person and Persons making default herein shall be subject and liable to forfeit such his, her, or their Share or respective Shares of the said Bridge, in manner herein-after mentioned, unless the Purchaser or Purchasers shall, at the Time of such Transfer, pay the Money so called for upon such Share or Shares so transferred to the Treasurer of the said Company.

For ascertaining the Proprietors of Shares in certain Cases.

XXXVI. And whereas in Cases where the Proprietor of One or more Share or Shares in the said Bridge shall marry, die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his or her Right and Interest to some other Person, and no Register shall have been made of the Transfer thereof with the said Clerk as directed by this Act, it may not be in the Power of the said Company, or their Treasurer or Clerk, to know who is the Owner or Proprietor of such Share or Shares; be it therefore further enacted, That in all Cases where the Right and Property in One or more Share or Shares in the said Bridge shall pass from the Proprietor thereof to any other Person or Persons by any other legal Means than by a Transfer or Conveyance thereof as herein directed, an Affidavit shall be made and sworn to by One or more credible Person or Persons, before a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have been passed to such other Person or Persons, his, her, or their Executors, Administrators, or Assigns; and such Affidavit shall be transmitted to the Clerk of the said Company, to the Intent that he may and he is hereby required to enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors of the said Bridge; and none of the Shares held by any Proprietor who shall be absent from *Great Britain* shall be forfeited until after the Expiration of Twelve Calendar Months from the Time that such Absence shall have been made known to the Treasurer or Clerk of the said Company, and an Entry made thereof in the Book of the Proceedings of the said Company.

Power to raise a further Sum by way of Mortgage.

XXXVII. And be it further enacted, That it shall be lawful at a Special Meeting of the said Company for that Purpose to be called by them, and of which Fourteen Days previous Notice shall be given by public Advertisement to be inserted in some Newspaper or Newspapers printed or circulated in the said Counties of *Derby* and *Stafford*, to come to a Resolution that any further Sum or Sums of Money, not exceeding the Sum of One thousand eight hundred and thirty-three Pounds, shall be raised in addition to the Capital of the said Company, and thereupon it shall be lawful for the said Company, pursuant to such Order or Resolution, to borrow or take up at Interest upon Credit or by way of Mortgage

Mortgage of the said Bridge and the Tolls arising therefrom, as to them shall seem meet and convenient, any such Sum or Sums of Money, so that the Money borrowed shall not at any Time exceed the Sum of One thousand eight hundred and thirty-three Pounds; and the said Company are hereby accordingly fully authorized and empowered, under their Common Seal, to grant, assign, and make over by way of Mortgage the said Bridge and the Tolls arising therefrom, or any Part thereof, (the Costs and Charges of which Assignment shall be paid out of such Tolls,) as a Security for the Sum or Sums of Money so to be borrowed, with Interest for the same, unto the Person or Persons who shall lend and advance such Sum or Sums of Money, or unto his, her, or their Trustee or Trustees; all which Assignments or Mortgages shall be in the Form or to the Effect following; (that is to say,)

‘ BY virtue of an Act passed in the Third Year of the Reign of
 ‘ His Majesty King *William* the Fourth, intituled [*here insert the* Form of
 ‘ *Title of this Act*], we, the *Walton upon Trent Bridge* Company, in- Mortgage.
 ‘ corporated by virtue of the said Act, in consideration of the Sum of
 ‘ to us lent and advanced by *A. B.* of
 ‘ do hereby bargain, sell, and assign unto the said *A. B.*, his, or her,
 ‘ Executors, Administrators, and Assigns, the said Bridge, with the
 ‘ Appurtenances and Approaches thereto, and all and singular the Tolls
 ‘ granted or arising and payable to us by virtue of the said Act, and all
 ‘ our Estate, Right, Title, and Interest of, into, or out of the same
 ‘ respectively, to hold unto the said *A. B.*, his, or her, Executors, Ad-
 ‘ ministrators, and Assigns, until the said Sum of
 ‘ together with Interest for the same after the Rate of *per Centum*
 ‘ *per Annum*, shall be fully paid and satisfied. Given under our Common
 ‘ Seal this Day of

And all such Persons to whom such Mortgage shall be made shall be equally entitled, one with another, to the said Tolls and Premises thereby assigned, according and in proportion to the Sums by them respectively lent and advanced on the Credit thereof as aforesaid, without any Preference by reason of Priority of any such Mortgage or Assignment, or on any other Account whatsoever.

XXXVIII. And be it further enacted, That an Entry or Memorial of Entries to
 every such Mortgage as aforesaid, containing the Date thereof, the Name be made of
 or Names and Addition of the Party or Parties to whom the same shall Mortgages.
 be made, and the Sum thereby secured, with the Rate of Interest to be paid for the same, shall be made or entered in a Book to be kept for that Purpose by the Clerk to the said Company for the Time being; and such Book shall and may be perused *gratis* at all reasonable Times by any of the Proprietors or Creditors of the said Bridge; and all and every Person and Persons to whom any such Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall and may from Time to Time assign, transfer, and make over his, her, or their Right, Title, and Interest therein unto any Person or Persons whomsoever, either by Indorsement thereon or otherwise; which Transfer shall and may be in the Form or to the Effect following; (that is to say,)

‘ I *A. B.*

Form of
Transfer of
Mortgages.

‘ I *A. B.* [*or We C. D.*], in consideration of the Sum of
‘ to me [*or us*] paid by *E. F.* of do hereby transfer the
‘ within Mortgage [*or a certain Mortgage*] made to me [*or us*] by the
‘ *Walton upon Trent Bridge Company*, bearing Date the Day
‘ of and the Principal Sum of thereby
‘ secured, and the Interest now due and hereafter to grow due for the
‘ same, and all my [*or our*] Right and Property therein, unto the said
‘ *E. F.*, his Executors, Administrators, and Assigns. Witness my Hand
‘ and Seal [*or our Hands and Seals*] this Day of .’

Entries of
Transfers to
be made in
Company's
Books.

And every such Transfer shall within Twenty Days from the Date thereof be produced to the Clerk of the said Company, who shall thereupon cause an Entry or Memorial thereof, in like Manner as is hereinbefore directed with respect to the original Mortgage, to be made or entered in the Book to be kept for entering the Memorials of such original Mortgages; and after such Entry shall be made, and not before, such Transfer shall entitle the Assignee or Assignees therein named, and his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage; and for the Entry of every Security or Transfer the Clerk to the said Company shall be paid, by the Party to whom the same shall be made, the Sum of Two Shillings and Sixpence, and no more.

Interest of
Money bor-
rowed to be
paid in pre-
ference to
Dividends.

XXXIX. Provided always, and be it further enacted, That the Interest of the Money which shall be raised by Mortgage as aforesaid (if any) shall be paid by the Treasurer of the said Company to the Persons entitled thereto in preference to any Dividend or Distribution of Profits to the Proprietors of the said Bridge or any of them, and shall from Time to Time be fully paid and discharged or provided for before any such Dividend shall be made or declared: Provided always, that no Person or Persons to whom any such Mortgage or Security shall be made or transferred as aforesaid shall be deemed a Proprietor or Proprietors in the said Bridge, or be capable of acting or voting as such, for or on account of his, her, or their having paid, advanced, or lent any Money on the Credit of the said Bridge or the Tolls thereof, as aforesaid.

First Gene-
ral Meeting.

XL. And be it further enacted, That the First General Meeting of the said Company of Proprietors shall be held on the *Monday* Fortnight after the passing of this Act at the *Shoulder of Mutton* Inn in *Barton under Needwood* in the County of *Stafford*, or at some other convenient House or Place in either of the said Counties of *Derby* or *Stafford*, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, for the Purpose of putting this Act into execution; and a General Meeting shall afterwards be holden on the Second *Saturday* in the Month of *May* in each and every Year, at such Place within *Barton under Needwood* or within Ten Miles thereof, and at such Hour, as the said Company of Proprietors shall at any Meeting appoint; and in case no Place or Hour shall have been so appointed, then such General Meeting shall be holden at the same Place and Hour as the last General Meeting was holden; and such Notice shall be given of every such General Meeting subsequently to the said First General Meeting as any such General Meeting shall appoint.

XLI. And be it further enacted, That if it shall at any Time appear that, for the more effectually putting this Act into execution, a Special Meeting of the said Company of Proprietors is necessary to be holden, it shall be lawful for any Five or more of the said Proprietors who may collectively be possessed or entitled unto Five Shares at the least in the said Undertaking to cause Fourteen Days Notice at least to be given thereof in One or more Newspaper or Newspapers printed and circulated in the said Counties of *Derby* and *Stafford*, or in such other Manner and with such Notice thereof as the Company of Proprietors shall at any General Meeting direct or appoint, specifying in such Notice the Reason and Intention of requiring such Special Meeting, and the Time when and Place where the same is to be holden; and the said Proprietors are hereby required to meet pursuant to such Notice.

For assembling Special Meetings.

XLII. And be it further enacted, That any General Meeting or Special General Meeting may be adjourned from Time to Time, and from Place to Place; and where any Adjournment shall be made to a more distant Time than the next Day, such Notice thereof shall be given as any General Meeting shall appoint.

Meetings may be adjourned.

XLIII. And be it further enacted, That no Business shall be transacted at any General Meeting unless Five Proprietors, each possessed of at least Five Shares in the said Undertaking, shall assemble and proceed to Business; and no Business shall be transacted at any Special General Meeting besides the Matters specified in the Notice by which it shall have been called; and no other Business shall be transacted at any adjourned General Meeting than the Business left unfinished at the Meeting from which such Adjournment shall have taken place.

As to the Business to be done at General Meetings.

XLIV. And be it further enacted, That the said Company of Proprietors, at their respective Meetings, shall and may appoint a Chairman, and such Chairman shall not only vote as a Proprietor or Proxy, but in case of an Equality of Votes shall have the decisive or casting Vote.

Chairman to be appointed.

XLV. And be it further enacted, That every Person possessed of One or more Share or Shares in the said Bridge shall have One Vote for every such Share not exceeding Ten, and One Vote for every additional Five Shares in the whole, and no more, in every General or Special Meeting of the said Company.

Subscribers to have Votes according to the Number of their Shares.

XLVI. And be it further enacted, That every Proprietor entitled to vote at any such General or Special Meeting of the said Company may give his, her, or their Vote or Votes either in Person, or by his, her, or their Proxy or Proxies appointed in Writing under his, her, or their Hand or Hands, and in case of Infancy, Idiocy, or Lunacy, then under the Hand and Seal or Hands and Seals of his, her, or their Guardian or Guardians, or of his, her, or their Committee or Committees; and which Appointment may be in the Form or to the Effect following; (that is to say,)

Power to vote by Proxy.

‘ I *A. B.* of _____ one of the Company of Proprietors of the
 ‘ *Walton upon Trent Bridge* Company, do hereby nominate, constitute,
 ‘ and appoint *C. D.* of _____ to be my Proxy, in my Name and
 [Local.] 13 K ‘ in

Form of Proxy.

‘ in my Absence to vote and give my Assent to or Dissent from any
 ‘ Business, Matter, or Thing relating to the said Company which shall
 ‘ be mentioned or proposed at any Meeting of the said Company or any
 ‘ Adjournment thereof, in such Manner as the said *C. D.* shall think
 ‘ proper, according to his Opinion and Judgment, for the Benefit of the
 ‘ said Company, or any thing appertaining thereto. In witness whereof
 ‘ I have hereunto set my Hand and Seal the Day
 ‘ of

And every such Person so appointed a Proxy as aforesaid shall be entitled to give as many Votes for and on behalf of the Principal as such Principal could give in Person; provided nevertheless, that no Vote shall be given by Proxy respecting the Audit or Settlement of any Accounts.

How Questions are to be decided.

XLVII. And be it further enacted, That every Question, Matter, or Thing which shall be proposed, discussed, or considered in any General Meeting to be held in pursuance of this Act shall be finally determined by the Majority of the Votes given by the Proprietors and Proxies present not declining to vote.

General Meetings to examine and audit Accounts and declare Dividends.

XLVIII. And be it further enacted, That the General or Special Meetings of the said Company shall audit and settle all Accounts of Money laid out and disbursed on account of the said Bridge or the Appurtenances or Approaches thereto, by any Officer or Officers, or other Person or Persons whomsoever, employed by or concerned for or in or about the said Bridge or the Appurtenances or Approaches thereto; and at every Annual General Meeting, or some Adjournment thereof, a Dividend or Dividends shall be made out of the Profits of the said Company, unless such General Meeting shall declare otherwise.

Committee of Management.

XLIX. And be it further enacted, That for the better managing and conducting the Affairs of the said Company a Committee of Management, consisting of Fifteen Proprietors, shall be nominated and appointed, each possessed of at least Five Shares, any Five of whom shall be competent to act at the First General Meeting of the Company that shall be held after the passing of this Act, or some Adjournment thereof, which Committee so to be appointed shall continue in Office until the next General Annual Meeting or some Adjournment thereof, and until others shall be appointed in their Stead, unless any such Member should die, or resign, or be removed, or shall cease to be entitled to Five Shares in the said Undertaking; and at the Annual General Meeting to be held in each succeeding Year as aforesaid, or some Adjournment thereof, a like Committee of Management, consisting of Fifteen Proprietors as aforesaid, shall be nominated and appointed in the like Manner and for the like Period as is directed at the said First General Meeting of the said Company; and any Special General Meeting called for that Purpose may remove any Member or Members of the Committee of Management, and elect any other Person or Persons in the Room of any Member or Members who may be so removed, or who shall die or resign, or otherwise cease to be Members of the said Committee of Management; provided always, that any Member of the said Committee, upon going out
 6
 of

of Office as aforesaid, shall be immediately eligible to be re-elected a Member of the said Committee.

L. And be it further enacted, That any Member of the said Committee of Management may at any Time vacate his Office by sending his Resignation in Writing to the Office of the said Company; and in case any Member of the said Committee shall during the Continuance of his respective Office, by Transfer, Forfeiture, Bankruptcy, or otherwise, cease to be entitled to Five Shares in the said Undertaking, or shall otherwise become disqualified to be a Member of the said Committee, or shall be removed by any General Meeting, then and in every such Case the Office of such Member of the said Committee shall instantly become vacant; and every Person appointed a Member of the said Committee by any Special General Meeting shall continue in Office until the next Annual General Meeting, and until another Member shall be elected in his Stead.

Members of the Committee may resign or cease to be Members on becoming disqualified.

LI. Provided always, and be it further enacted, That no Person shall be capable of taking any Contract under the said Company whilst he shall be a Member of the said Committee; and no Person who shall hold any Place of Profit under or Contract with the said Company, or be in any Manner interested or concerned, directly or indirectly, in supplying any Articles or Materials for the Use of the said Company, unless gratuitously, shall be entitled to vote at any Meeting of the said Committee of Management during the Time that he shall be so employed or shall be so concerned or interested as aforesaid; and if any such Person shall vote, or attempt to vote, at any such Meeting of the said Committee of Management, then and in every such Case every Person so offending shall forfeit and pay for every such Offence the Sum of Fifty Pounds, together with full Costs of Suit, to any Person who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager at Law, nor more than One Imparlance, shall be allowed; and one Moiety of such Penalty, when recovered, shall be paid to the Person or Persons who shall sue for the same, and the other Moiety shall be paid to the said Company, to be applied to the Purposes of this Act.

No Person holding any Place of Profit or Contract under the Company to vote in the Committee.

LII. And be it further enacted, That the said Company shall have full Power and Authority to superintend, regulate, and controul all the Affairs and Concerns of the said Company, and to make such Rules, Orders, and Bye Laws as to them shall seem meet and proper for the good Government of the said Company, and for regulating the Proceedings of the said Committee, and for regulating all Officers, Workmen, and Servants to be employed in or about the Affairs or Business of the said Company, and for the better Regulation and Government of the said Bridge to be made by virtue of this Act, and from Time to Time to alter and repeal such Rules, Orders, and Bye Laws, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Bye Laws, or any of them, not exceeding Five Pounds for any one Offence, as to the said Company shall seem meet and expedient; and all Rules, Orders, and Bye

Power to make Bye Laws.

Bye Laws so to be made as aforesaid, being reduced into Writing, with the Common Seal of the said Company thereto affixed, shall be binding upon and be observed by all Persons using or in anywise concerned in the said Undertaking, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act upon the same; provided that such Rules, Orders, and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom called *England*, or any of the express Directions or Provisions of this Act, and provided that Copies thereof be painted on Boards, and affixed on some conspicuous Place on or near the said Bridge, and such Boards shall be renewed from Time to Time when and so often as the same shall or may be destroyed, defaced, or obliterated.

General Powers of Committee of Management.

LIII. And be it further enacted, That (subject nevertheless to the Rules, Orders, and Directions of the General Meetings of the said Company,) the Committee of Management shall contract and agree for the Purchase of the said Ferry and Tolls, and of any Lands, Tenements, Hereditaments, and Materials to be taken or used for the Purposes of this Act, and make Agreements and Contracts with the Workmen, Agents, and other Persons employed or concerned in or about the Works hereby authorized to be made, and shall have full Power and Authority to direct and manage all the Affairs of the said Company.

Committee to make Reports of their Proceedings.

LIV. And be it further enacted, That such Committee shall from Time to Time make Reports of their Proceedings to and be subject to the Examination and Controul of the General or Special Meetings of the said Company, and shall pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Company at any of their General or Special Meetings; such Orders and Directions not being contrary to the Laws and Statutes of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, nor to any of the Directions or Provisions in this Act contained.

Committee empowered to make Calls.

LV. And be it further enacted, That the Committee of Management shall have Power from Time to Time to make such Call or Calls for Money from the Subscribers to or Proprietors of the said Bridge, their Executors, Administrators, and Assigns, as the said Committee shall from Time to Time find necessary for the Purposes of this Act, so that the first Call by virtue of this Act shall not exceed the Sum of Two Pounds, including the Deposit paid on taking the Share, for every Share to be subscribed, and every succeeding Call shall not exceed the Sum of Two Pounds for every such Share, and so that no Calls be made but at the Distance of One Calendar Month from each other; which Money so called for shall be paid into the Hands of the Treasurer to the said Company for the Time being, or to such Person as he shall authorize to receive the same, at such Time and Place as shall be appointed by the said Committee, of which Time and Place Twenty Days Notice shall be given in such Manner as the said Company of Proprietors shall at any Meeting from Time to Time direct, and Notice thereof shall also be given by the Clerk of the said Company by Letter directed to each Subscriber or Proprietor at his, her, or their usual Place of Abode.

LVI. And

LVI. And be it further enacted, That if any Subscriber or Proprietor of any Share or Shares in the said Bridge, his or her Executors, Administrators, or Assigns, shall refuse or neglect to pay his or her rateable or proportionate Part or Share of the said Money to be called for by the first or any other Call to be made by virtue of this Act, at the Time and Place so to be appointed as aforesaid, or within Thirty Days next ensuing, then and in every such Case he or she so neglecting or refusing shall (whether or not the same shall then have been sued for in any Court of Law or Equity) absolutely forfeit his and her respective Share and Shares and Interests in the said Bridge, and all the Profits and Benefits thereof, and all Money theretofore advanced by him or her on account thereof, to and for the Use and Benefit of the said Company, unless otherwise determined by a Special or General Meeting of the said Company; and all such Shares so forfeited shall be publicly sold, and the Money arising therefrom applied in manner by this Act directed: Provided nevertheless, that no Advantage shall be taken of such Forfeiture of any Share or Shares in the said Bridge as aforesaid until after Twenty Days Notice in Writing, signed by the Chairman of the said Committee of Management, shall have been given to the Owner or Owners thereof, or left at his, her, or their usual or last Place of Abode; and every such Forfeiture so to be declared shall be an absolute Indemnification and Discharge to and for the Subscriber and Proprietor, or his Executors, Administrators, or Assigns, so forfeiting, against all Actions, Suits, and Prosecutions for or on account of not paying up such Calls.

On Neglect to pay Calls, Shares to be forfeited, and may be sold after Notice given to the Owner.

LVII. Provided always, and be it further enacted, That in case the Money produced by the Sale of any Share or Shares shall be more than sufficient to pay all such Arrears of Calls as aforesaid, and lawful Interest thereon, with the Expences attending such Sale or Sales, the Surplus of such Money shall be paid, on Demand, to the Person or Persons to whom such Share or Shares shall have belonged; but the Company shall not sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be, at the Time of such Call, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after the Payment of all such Calls, and the Interest and Expences as aforesaid, any Share or Shares so vested in such Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Person or Persons to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

If the Purchase Money of forfeited Shares shall be more than sufficient to pay Arrears of Calls, and Interest and Expences thereon, the Surplus to be paid to the Owner on Demand.

LVIII. And be it further enacted, That in all Actions brought by the said Company against any Person or Persons who hath or have subscribed or who shall hereafter subscribe or advance any Money for or towards the Purposes of this Act, or against any Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Bridge, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being an Owner or Owners, Proprietor or Proprietors of a Share or Shares in the said Bridge, is or are indebted to the

Mode of Proceeding in Actions for Calls.

said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to for such Call or Calls of such Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were an Owner or Owners, Proprietor or Proprietors of some Share or Shares in the said Bridge, and that such Call or Calls was or were in fact made, and that such Notice was given thereof as is directed by this Act; and the said Company shall thereupon be entitled to recover what shall appear to be due, unless it shall appear that the first Call to be made by virtue of this Act did exceed the Sum of Two Pounds on every Share so subscribed, or that any succeeding Call exceeded the Sum of Two Pounds on each Share, or was made within the Distance of One Calendar Month from the last preceding Call, or without Notice given as aforesaid.

Committee
of Manage-
ment to
appoint
Officers.

LIX. And be it further enacted, That it shall be lawful for the said Committee of Management, and they are hereby authorized and required, from Time to Time to nominate and appoint a Treasurer, Engineer or Engineers, Architect or Architects, Surveyor or Surveyors, Clerk or Clerks, Collector or Collectors, Receiver or Receivers of the Rates and Tolls herein allowed to be demanded and taken, and such other Officers as to the said Committee of Management shall seem proper, and from Time to Time to remove any such Treasurer, Engineer or Engineers, Architect or Architects, Surveyor or Surveyors, Clerk or Clerks, Collector or Collectors, Receiver or Receivers, or other Officers, or any of them, and to nominate and appoint another Person or other Persons in his or their Room and Stead, taking such Security from any such Treasurer, Collector, or Receiver, or other Officer, for the due Execution of their respective Offices, and to grant them respectively such Salary and Compensation as the said Committee of Management shall think proper.

Clerk and
Treasurer
not to be the
same Person.

LX. Provided always, and be it further enacted, That it shall not be lawful for the said Committee of Management to appoint the Person who may be appointed to act as Clerk to the said Company or Committee in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, nor to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, to be the Clerk to the said Company or Committee; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any
Manner

Manner officiate for such Clerk, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Company or Committee (other than that of Treasurer), every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

LXI. And be it further enacted, That when and so often as any Collector or Receiver of the Tolls shall die, or neglect or refuse to perform or become incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Three or more of the said Committee of Management, although not assembled at any Meeting of the said Committee to be appointed by virtue of this Act, to discharge such Collector or Receiver so neglecting or refusing to perform or becoming incapable of performing his Duty, or absconding, or absenting himself, and to nominate and appoint some other fit and proper Person or Persons to be a Collector or Receiver of the said Tolls until the then next Meeting of the said Committee, instead of such Collector or Receiver who shall so die or be discharged; and such Person or Persons so nominated and appointed shall be vested with the like Power and Authority, and be answerable and accountable in like Manner in all respects, as the Collector or Receiver who shall so die or be discharged would have been; and if any Collector or Receiver of the said Tolls who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person or Persons who may have the Possession of any Toll House or Building, or any Appurtenances thereto, to be erected, set up, or used by virtue of this Act, shall neglect or refuse to deliver up the Possession thereof for the Space of Two Days next after Demand thereof made by Notice in Writing, signed by the Clerk of the said Company for that Purpose, given to such Collector or Receiver, or any Person or Persons, or left at such Toll House, Building, or Premises, then and in every of the said Cases it shall be lawful for any One or more Justice or Justices of the Peace for the said County of *Derby* or *Stafford*, as the Case may be, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the said Counties, with such Assistance as may be necessary, to enter such Toll House or other Buildings or Premises in the Daytime, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and put the said Committee of Management, or such new appointed Collector or Receiver as aforesaid, into the Possession thereof.

Committee may remove Collectors and appoint temporary ones.

LXII. And be it further enacted, That all Orders and Proceedings of every General Meeting shall be entered in a Book to be kept for that Purpose, and be signed by the Chairman of the Meeting at which such Order or Proceeding shall be made or had; and such Book or Books shall be open at all reasonable Times to the Inspection of any of the Proprietors of Shares in the said Bridge, without Fee or Reward; and such

Proceedings to be entered in a Book, and may be made Evidence.

such Orders and Proceedings so entered, and signed by the Chairman as aforesaid, shall be deemed and taken to be original Orders and Proceedings; which said Book or Books shall and may be read in Evidence in all Courts whatsoever, in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever.

Books of Accounts to be kept, which shall be open to Inspection.

LXIII. And be it further enacted, That the said Committee of Management shall and they are hereby required, from Time to Time and at all Times, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Bridge, or the Appurtenances or Approaches thereto, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the Proprietors of the said Bridge, or any Creditor or Creditors on the Tolls to be collected and taken on such Bridge, without Fee or Reward, and the said Proprietors or Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit any of the said Proprietors or Creditors to inspect any such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are hereby directed to be levied and applied.

Officers, &c. to account.

LXIV. And be it further enacted, That every such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, or other Officer or Servant of the said Company or Committee of Management, so to be appointed as aforesaid, shall, under his or their Hand or Hands, at such Time or Times and in such Manner as the said Company or Committee shall direct, deliver to the said Company or Committee, or to such Person or Persons as they respectively shall appoint, a true and perfect Account in Writing of all Matters and Things committed to his or their Charge by virtue of this Act, and also of all the Monies which shall have been by such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, or other Officer or Servant, and Person or Persons respectively, received by virtue of this Act, and how much thereof hath been paid, laid out, and disbursed, and for what Purpose, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in his or their respective Hand or Hands to the said Company or Committee, or to such Person or Persons as they shall respectively appoint; and if any such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer, or other Person shall refuse to produce or deliver up such Accounts, Receipts, or Vouchers, or to make Payments as aforesaid, or shall not deliver to the said Company or Committee, or to such Person or Persons as they shall respectively appoint, within Fourteen Days after being thereunto required by the said Company or Committee, all Books, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any

Account or Accounts shall appear to be in his or their respective Hands, to the said Company or Committee, or as they shall respectively direct or appoint, then and in either of the Cases aforesaid it shall be lawful for any Justice of the Peace for the County of *Derby* or *Stafford*, as the Case may be (such Justice not being interested in the said Undertaking), upon Complaint made to him by the said Company or Committee, or such Person or Persons as they shall respectively appoint for that Purpose, to summon before him any such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons, and upon his, her, or their appearing, or not being found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered and required to administer), it shall appear to such Justice that any of the Monies that shall have been collected, raised, or received by virtue of this Act shall be in the Hands of such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Monies to be levied by Distress and Sale of the Goods and Chattels of such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of making and levying the same, or if such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose, unless for some sufficient Reason, or if appearing shall refuse or neglect to give and deliver up to the said Justice an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his, her, or their Custody or Power, relating to the said Bridge or to the Appurtenances or Approaches thereto, then and in any or either of the Cases aforesaid such Justice shall commit every such Offender to the Common Gaol or House of Correction for the County or Place where the said Justice shall be acting for, 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 Company or Committee, and shall have paid such Composition in such Manner as they shall respectively appoint (which Composition the said Company or Committee are hereby empowered to make), and until he shall deliver up such Monies, Accounts, Receipts, Vouchers, Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company or Committee; but no Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer, or Person so committed for Want of such Distress shall be confined or detained in Prison by virtue of this Act for any longer Space of Time than Twelve Calendar Months.

[Local.]

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LXV. And

Power to
erect Toll
Gates and
take Tolls.

LXV. And be it further enacted, That the said Company or their Committee of Management shall and may, as soon as conveniently may be after the said Bridge shall be made passable, cause to be erected and set up One or more Toll Gate or Toll Gates at or near the said Bridge, and from Time to Time shall and may remove the same Toll Gate or Toll Gates, and erect and set up another Toll Gate or Toll Gates in lieu thereof, at any Place or Places upon any Part or Parts of the said Bridge, or on the Approaches thereto, and shall and may from Time to Time erect, provide, and maintain such Toll Houses and other Conveniences near or adjoining to the said Toll Gate or Toll Gates as the said Company or their Committee of Management for the Time being shall think proper; and the respective Tolls following shall and may be demanded and taken at each and every of the said Toll Gate or Toll Gates, or on the said Bridge to be erected as aforesaid, by such Person or Persons as the said Committee of Management shall from Time to Time appoint as aforesaid; (that is to say,)

Tolls.

For each and every Horse or other Beast drawing any Stage Coach, Van, Caravan, or other Carriage used for the Conveyance of Passengers or Goods for Pay, Hire, or Reward, the Sum of One Shilling :

For each and every Horse or other Beast, when more than One is employed, drawing any Coach, Chaise, Gig, Car, Waggon, Wain, Cart, Van, or other Carriage, the Sum of One Shilling, and if only drawn by One Horse or other Beast, the Sum of One Shilling :

For every Carriage not drawn by any Horse or Beast of Draught, but propelled or moved by Machinery, the Sum of One Shilling :

For each Wheel of every Carriage or Waggon attached to another Carriage or Waggon, the Sum of Sixpence :

For every Horse, Mule, or Ass, not drawing, the Sum of Three-pence :

For every Bull, Ox, Cow, or other Bullock, the Sum of One Penny Halfpenny :

For every Calf, Pig, Sheep, Lamb, or other Beast, the Sum of One Penny :

For every Foot Passenger, the Sum of Two-pence :

Which respective Tolls shall be paid before any Person, or any such Horse, Mule, Ass, Cattle, or other Beast, or any such Carriage as aforesaid, shall be permitted to pass over the said Bridge; and which said Tolls shall be and the same are hereby vested in the said Company and their Successors for the Purposes of this Act; and such Tolls shall be paid and payable for every Time of passing.

Exemption
from Tolls.

LXVI. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to charge with Toll any Horses or Carriages belonging to His Majesty, or attending His Majesty or any of the Royal Family, or returning after having so attended, or for any Horse, Beast, or other Cattle or Carriage attending Soldiers upon their March, upon Duty, and returning after being so employed, or for any Horse, Beast, or Cattle drawing any Waggon, Wain, Cart, or other Carriage which shall be employed in conveying any Ordnance, Commissariat, or other Public Stores of or belonging to His Majesty or for the Use of His Majesty's Forces, or for any Horse, Beast, or other Cattle, or Carriage, or for the Person or Persons actually employed and attending the same, not exceeding One Person attending any Waggon, and not exceeding

exceeding One Person attending any Cart, belonging to any Person occupying Lands within the said Parish of *Walton*, or within the said Township of *Barton under Needwood*, employed in carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Dung, Soil, Compost, or Manure (save and except Lime) for improving Lands within the said Parish or Township respectively, and being carried only from one Part of their respective Occupations to another, or any Ploughs, Harrows, or Implements of Husbandry belonging to any such Person as aforesaid, and being used for the Purpose aforesaid (unless laden also with some other Thing not hereby exempted from Toll), or any Hay, Straw, Fodder for Cattle, and Corn in the Straw, which has grown or arisen on Land or Ground in the Occupation of any such Person, being the Owner of such Hay, Straw, Fodder, or Corn in the Straw, Potatoes, or other Agricultural Produce, and which has not been bought, sold, or disposed of, nor is going to be sold or disposed of, or for any Horses or other Beasts employed in Husbandry as aforesaid, going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, or going to be or returning from being shod or farried; and if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted from the Whole or any Part of the several Tolls hereby authorized to be taken, not being entitled to the same, such Person or Persons for every such Offence shall forfeit and pay any Sum not exceeding Five Pounds.

LXVII. And be it further enacted, That the said Company or their Committee of Management shall and they are hereby authorized and empowered to order and cause to be built and erected at or near the said Bridge One or more Crane or Cranes, Machine or Machines, Engine or Engines, proper for the weighing of Waggon, Carts, and Carriages conveying Goods or Merchandize, or any Matter or Thing whatsoever, and to order and direct all such Waggon, Carts, and Carriages passing or about to pass over the said Bridge to be weighed thereat accordingly; and if the Owner or Driver of any such Waggon, Cart, or other Carriage shall refuse to allow the same to be weighed, or shall resist any Person having the Charge of the same Crane, Machine, or Engine in weighing the same, every such Owner or Driver shall forfeit and pay any Sum not exceeding Five Pounds.

Power to erect Weighing Machines.

LXVIII. And whereas the said Bridge is intended to be built of Wood, and it is therefore expedient to limit the Weight to be carried over the same in any Waggon, Cart, or other Carriage; be it therefore further enacted, That no Waggon, Cart, or other Carriage which together with the Loading thereof shall be of a greater Weight than Five Tons shall be permitted to pass over the said Bridge; and if the Owner or Driver of any Waggon, Cart, or other Carriage which together with the Loading thereof shall be of a greater Weight than Five Tons, shall permit the same to pass over the said Bridge, he shall for every such Offence forfeit and pay the Sum of Ten Pounds.

Limiting the Weight to be carried over the Bridge.

LXIX. And be it further enacted, That it shall be lawful for the said Company from Time to Time, or at any General or Special General Meeting to be held in pursuance of this Act, to lessen or reduce all or any of the Tolls hereby granted, for such Time as they shall think proper, and

Power to reduce the Tolls.

and to raise again the Tolls so lessened or reduced, or any Part thereof, so that the same do never exceed the Tolls herein-before granted; and the Tolls so lessened or reduced, or raised again, shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are authorized or directed to be collected, recovered, and applied.

Power to
lease the
Tolls.

LXX. And be it further enacted, That it shall be lawful for the said Company, at any General or Special General Meeting to be held under or by virtue of this Act, to lease or demise all or any of the said Tolls for any Term of Years not exceeding Five Years at any One Time, for such Rent, payable at such Times, and under such Covenants as they shall think fit, the said Company taking such sufficient Security from the Person or Persons to whom such Tolls shall be leased or demised, for Payment of such Rent and Performance of such Covenants, as they shall think fit, which Rent shall be applied for the Purposes of this Act.

Power to
compound
for Tolls.

LXXI. And be it further enacted, That it shall be lawful for the said Company, at any General Meeting to be held under or by virtue of this Act, from Time to Time, as they shall see convenient, to compound and agree, for any Term not exceeding One Year at any Time, with any Person or Persons for the said Tolls.

Penalty for
evading
Tolls.

LXXII. And be it further enacted, That if any Person shall forge, counterfeit, or alter, or receive from or deliver to any other Person or Persons any Note or Ticket, with Intent to evade, or to enable or to assist any other Person or Persons to evade, the Payment of any Part of the said Tolls, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to
stop any
Person
refusing to
pay Toll.

LXXIII. And be it further enacted, That if any Person subject to the Payment of the Tolls hereby made payable or any of them shall, after Demand made thereof by any Collector or Collectors appointed to receive the same, neglect or refuse to pay the same, it shall be lawful for such Collector or Collectors, by himself, herself, or themselves, or taking any such Assistance as he, she, or they shall think necessary, to stop and prevent the Passage of the Person or Persons so neglecting or refusing, or of the Horse, Beast, or Cattle for or in respect of which such Tolls ought to be paid, until full Payment thereof, or to seize or distrain any Horse or Horses or other Cattle or Beasts, together with their Bridles, Saddles, Gears, Harness, or Accoutrements (save and except the Bridles separate and apart from such Horses or other Cattle or Beasts), or any Carriage drawn by such Cattle or Beast; and if such Tolls and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Three Days next after such Seizure and Distress made, the Person and Persons so seizing and distraining shall and may sell the Horse and Horses, Cattle, Carriages, Goods, Chattels, or Things so seized and distrained, or any Part thereof, returning the Overplus (if any be), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted; and if any Person shall forcibly pass over the said Bridge, or through any or either of the said Toll Gates, without having paid the said Tolls, or shall assault, interrupt, or obstruct any Person employed in the Collection of the said Tolls,

every Person so offending in any of such Cases shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, whereof one Half shall be paid to the Informer, and the other Half to the Treasurer of the said Company, to be applied for the Purposes of this Act.

LXXIV. And be it further enacted, That in case any Dispute or Disputes shall happen about the Amount of Toll due, or the Charges of keeping or selling any Distress made for Nonpayment of such Toll, it shall be lawful for the Collector, or the Person distraining, to retain such Distress, or the Money arising from the Sale thereof (as the Case may be), until the Amount of Toll due, and the Charges of keeping and selling the Distress, be ascertained by some Justice of the Peace for the County of *Derby* or *Stafford*, as the Case may be, who, upon Application made to him for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses (which Oath every Justice is hereby authorized to administer), and shall determine the Amount of Toll due and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue); and the Overplus (if any), after paying such Costs, and the Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

For settling
Disputes
concerning
Tolls.

LXXV. 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 Company or Committee, shall not be disqualified from giving Evidence in such Dispute, Suit, or Litigation by reason of his, her, or their being appointed to collect such Tolls.

Collectors of
Tolls may
give Evi-
dence.

LXXVI. And be it further enacted, That all and every Toll Collector shall and he or she is hereby required to place his or her Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his or her coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he or she shall be upon Duty; and every such Collector shall place or cause to be placed on the Front of the Toll House or Toll Houses at which such Collector shall be stationed a Board whereon shall be painted, either in White Letters on a Black Ground or Black Letters on a White Ground, the Lists of the Tolls payable at such Gate; and if any Collector of the same Tolls shall not place such Boards respectively as aforesaid, and keep the same there during the Time he or she shall be such Collector as aforesaid, or shall demand or take a greater or less Toll from any Person than he or she shall be authorized to do by virtue of the Powers

For prevent-
ing Toll Col-
lectors from
taking undue
Tolls or mis-
behaving.

of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempted from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer or shall in anywise hinder any Person or Persons from reading the Inscriptions on such Boards respectively, or shall refuse to tell his or her Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give (*gratis*) a Ticket to denote the Payment of the Toll when demanded, or upon legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Toll Gate, or from passing over the said Bridge, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge (such Justice or Justices not being interested in the said Undertaking); and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Directing
the Appli-
cation of
Money and
Tolls.

LXXVII. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act, and all the Tolls or Rents payable in respect of the same, which shall be received by virtue of this Act, shall be applied in manner herein-after mentioned; (that is to say,) in the first place, for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences in applying for, obtaining, and passing this Act, and all other Expences preparatory and relating thereto; and the Residue and Remainder of such Money for and towards purchasing the present Ferry and Tolls, and Lands, Tenements, or Hereditaments, and in building, erecting, and constructing the said Bridge, with the Appurtenances and Approaches thereto; then in paying the Expences for the Time being for carrying this Act into execution, and keeping the said Bridge, with the Appurtenances and Approaches thereto, in proper Repair; in the next place, in paying to the Mortgagees under this Act the Interest to which they shall respectively be entitled, in manner herein-before provided; and the Surplus thereof shall (subject to the Payment of the Principal Monies due to the said Mortgagees, or such of them or such Part thereof respectively as shall be expedient from Time to Time to pay off,) be divided amongst the said Proprietors in proportion to the Amount of their respective Shares.

No Ferry to
be used
within a cer-
tain Distance
of the
Bridge.

LXXVIII. And be it further enacted, That from and after the said Bridge shall have been made passable and opened for Carriages, Horses, and Passengers, no Ferry or public Ford shall be set up or used across the said River, save and except the present existing Ferries; and if any Person or Persons, except the said Company, or other Person or Persons acting under their Authority, shall use any Boat, Barge, or other Vessel in carrying or conveying any Carriage or Cattle, or Person or Persons, Goods, Wares, or Merchandize, or other Things, for Hire, across the said River, within the Distance of One Mile of the said Bridge, without paying the Tolls herein-before made payable, every Person or Persons so
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offending

offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

LXXIX. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, or otherwise damage any Part of the said Bridge, or the Appurtenances or Approaches thereto, or shall wilfully obstruct the Passage thereof; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts, Iron, or Stone which may be erected for the Security of the said Bridge, or the Appurtenances or Approaches thereto; or if any Person shall make or assist in making any Bonfire, or shall incautiously let off or discharge any Gun, Pistol, Blunderbuss, or other Fire-arms, or shall wantonly let off any Serpent or Rocket, or throw any Cracker, Squib, or other Fireworks, or play at Foot Ball or any other Game or Games, to the Annoyance of any Passenger or Passengers; or if any Person shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Bridge or the Appurtenances or Approaches thereto, with any Instrument, so as to damage the said Bridge or the Appurtenances or Approaches thereto, or any Part thereof; or if any Person or Persons shall leave any Waggon, Wain, Cart, or 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, or except with regard to such Waggon, Wain, Cart, or other Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near the Side of the said Bridge or the Appurtenances or Approaches thereto as conveniently may be, in, upon, or on the Sides of the said Bridge or the Appurtenances 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, Oil, Rubbish, or other Annoyance whatsoever, upon any Part of the said Bridge or the Appurtenances or Approaches thereto, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance of any Person travelling thereon; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For prevent-
ing Nui-
sances on the
Bridge or
Approaches.

LXXX. And be it further enacted, That if any Person shall wilfully or maliciously pull down or destroy the said Bridge or any Part thereof, or any Toll Gate or Toll House to be erected by virtue of this Act, every Person so offending, and being thereof lawfully convicted, shall be deemed guilty of Felony, and being thereof lawfully convicted shall be subjected to the like Punishment and Penalties as in Cases of Simple Larceny.

Persons
wilfully de-
stroying the
Bridge or
Works,
guilty of
Felony.

LXXXI. And be it further enacted, That in case the said Bridge or the Appurtenances or Approaches thereto shall at any Time become impassable or unsafe for Travellers or Carriages, the said Company or their Successors shall and they are hereby empowered and required to cause the same to be forthwith rebuilt or repaired, and made safe and commodious for the Passage of Travellers, Carts, and Carriages; and in the meantime, until the said Bridge shall be rebuilt or repaired, and made safe and commodious, it shall be lawful for the said Company and they are hereby required, during all such Time as the said Bridge shall

Power for
Company to
rebuild the
Bridge when
necessary,
and in the
meantime
to provide a
Ferry Boat.

shall be impassable or unsafe as aforesaid, to provide a proper and convenient Ferry Boat for the Passage of Travellers, Cattle, and Carriages over the said River, as near to the said Bridge as conveniently may be; and it shall be lawful for such Persons or Person as the said Company or their Successors shall appoint for that Purpose to demand, collect, and receive, for the Passage of such Travellers, Cattle, and Carriages in or over the said Ferry, before they shall be permitted to pass, the like Tolls as are hereby authorized to be taken for passing over the said Bridge, and to apply the same in manner by this Act directed, any thing herein-before contained to the contrary notwithstanding.

Bridge to be public, but not to be deemed a County Bridge.

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

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress of Goods of the Company or of their Treasurer.

LXXXIII. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Thirty Days after Demand in Writing shall have been made from the said Company in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive any Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Company, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain out of the Monies which he shall have received or shall receive in pursuance of this Act all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

LXXXIV. And

LXXXIV. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted for any such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy the Damages or Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

Damages and Charges in Cases of Dispute to be settled by Justices.

LXXXV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act (such Justice not being interested in the said Undertaking) to summons the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing shall have been exhibited or taken before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

Justices may proceed by Summons in Recovery of Penalties.

LXXXVI. And be it further enacted, That all Penalties and Forfeitures hereby inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not otherwise particularly directed,) shall, upon Proof of the Offence respectively before any One or more Justice or Justices of the Peace for the County of *Derby* or *Stafford* (as the Case may be), either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices; and the Overplus, if any, after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Monies arising from such Penalties and Forfeitures respectively, when paid and levied (if not otherwise directed to be applied by this Act), shall be from Time to Time paid, one Moiety to the Informer, and the other Moiety to the Treasurer of the said Company, for the Use of the said Company; and in case such Penalties and Forfeitures respectively shall not be paid forthwith upon Conviction, then it shall be lawful for such Justice or Justices to order such Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, such Day or Days not being more than Eight Days from the Time of taking any such Security, and which Security such Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise as to him or them shall seem right and proper; but if upon Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satis-

Recovery and Application of Penalties.

[*Local.*]

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faction

faction of such Justice or Justices, either by Confession of the Offender or Offenders, or otherwise, that he, she, or they hath not nor have Goods and Chattels within the Jurisdiction of such Justice or Justices sufficient whereon to levy such Penalties and Forfeitures, Costs and Charges, such Justice or Justices may, at his or their Discretion, without issuing any Warrant of Distress, commit the Offender or Offenders to the Common Gaol or House of Correction of the said County of *Derby* or *Stafford* (as the Case may be), 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 paid and satisfied.

Declaring what shall be good Service of Notices on the Company.

LXXXVII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, Party or Parties, to serve any Notice or Notices upon the said Company, or any Writ or Writs, or other legal Proceeding, or Proceedings in Equity, the Service thereof upon the Chairman or Treasurer for the Time being, or delivered to some Inmate at his usual Place of Abode, or upon the Clerk of the said Company for the Time being, or at the Office of such Clerk, or delivered to some Inmate at his usual Place of Abode, or in case the same shall not be found or known, or in case there shall be no such Clerk, then upon any Agent or Officer of the said Company, or delivered to some Inmate at his last or usual Place of Abode, shall be deemed a good and sufficient Service of the same respectively on the said Company.

For compelling the Attendance of Witnesses.

LXXXVIII. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall, on being tendered a reasonable Sum for his, her, or their Loss of Time, Costs, Charges, and Expences, refuse or neglect to appear at any Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined on Oath (or in case of a Quaker or Quakers on solemn Affirmation), and to give Evidence before such Justice of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

For securing transient Offenders.

LXXXIX. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collector, Surveyor, or other Officers under this Act; be it therefore further enacted, That it shall be lawful for any of 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 One or more Justice or Justices of the Peace for the County or Place where any such Offence or Offences shall be committed (such Justice or Justices not being interested in the said Undertaking), without any other Warrant or Authority than this Act for so doing.

Conviction of Offenders.

XC. 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 any Matter or Thing done in the Execution of this Act, the

No Plaintiff
to recover
without No-
tice, or after
Tender of
sufficient
Amends.

XCIV. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against the said Company or 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 of the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs 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, by or on 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 be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of
Actions.

XCV. And be it further 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 and 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 his, her, or their Costs, and shall have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

The Bridge
to be com-
pleted in
Three Years.

XCVI. And be it further enacted, That if the said Company shall not, within Three Years from the passing of this Act, complete the said Bridge, with the several Appurtenances and Approaches thereto, so as to make the same passable for Passengers, Horses, and Carriages, then and from thenceforth all and singular the Powers and Authorities vested in them by this Act shall cease and determine to all Intents and Purposes whatsoever.

Public Act.

XCVII. 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.